2025:AHC:190339-DB

A.F.R.
Reserved On 07.10.2025
Delivered On 30.10.2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

Criminal Writ Petition No. - 3996 of 2025

Parul Budhraja And 3 Others ……Petitioners(s)

Versus

State of U.P. And 3 Others ……Respondents(s)

Counsel for Petitioners(s) : Mohit Kumar Shukla
Counsel for Respondent(s) : G. A., Kabeer Tiwari

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE LAKSHMI KANT SHUKLA, J.

Per: CHANDRA DHARI SINGH, J.

1. The present writ petition has been instituted under Article 226 of the Constitution of India by the petitioners seeking quashing of the F.I.R. dated 14.07.2024 registered as F.I.R. bearing No. 0230 of 2024 for the offences punishable under Sections 420, 467, 468, 471 I.P.C. , Police Station Link Road, District Ghaziabad. The petitioners have further prayed for stay of their arrest in connection with the above said F.I.R. during the pendency of the proceeding before this Court.

Brief Facts Of The Case:-

2. The above said F.I.R. has been lodged by the complainant Sri Rishabh Agnihotri, gravamen of the allegations made in the F.I.R. is that the accused persons namely Yogesh Rana @ Yogi, Ved Budh Raja, Sahil Kalra, Devashish Kotnala and Praul Budhraja were allegedly running an organized group or syndicate engaged in cheating and forgery through on-line business channels. It is alleged that the said accused persons, acting in concert, induced the complainant's brother Shubham Agnihotri to invest a sum of Rs.7,50,000/- in their business venture by making false representations and deceitful promises. The transactions is stated to have taken place in the year 2019 under the guise of a business project relating to travel packages and health products being operated under the name and style of 'QNet'.

3. It is further alleged in the F.I.R. that after registration of an earlier case vide F.I.R. bearing No. 38 of 2021 at the same police station on the complaint of Shubham Agnihotri, the present accused persons, in order to shield themselves from prosecution in that case, fabricated and forged documents including a 'Declaration' and 'Distributor Application Form' purportedly in the names of Rishabh Agnihotri, Smt. Shobha Agnihotri and Shubham Agnihotri. These forged documents were allegedly affixed with counterfeit signatures and a fake notarial seal purporting to be that of Sri Virendra Singh, Advocate and Notary Public. The said forged documents were then submitted during the investigation of the earlier case with the intent to mislead the investigating agency and to secure relief by way of false exculpatory material.

4. Upon coming to know of such forgery, legal notices dated 17.08.2023 and 30.09.2023 were issued to the said Notary. In his written reply, it is stated that the Notary categorically denied having attested or signed any of the said documents, stating that the signatures and seals appearing thereon were forged and fabricated. Thereafter, the informant filed an application under Section 156(3) of the Code of Criminal

Procedure, 1973 (hereinafter "CrPC") before the Court concerned, seeking a direction for registration of an FIR. Acting upon the said application, the Court directed the concerned police station to register the case, in compliance whereof the present FIR was registered.

5. Hence, the instant writ petition has been filed.

Submissions:-

6. Sri Mohit Kumar Shukla, learned counsel appearing on behalf of the petitioners submits that the impugned FIR is a second FIR on identical facts and allegations, lodged with *malafide* intent after an inordinate delay of more than five years from the original transaction. It is contended that the earlier FIR No. 38/2021, lodged by Shubham Agnihotri at the same police station, had already been investigated, and no offence was found against them.

7. It is their case that Shubham Agnihotri, who was known to petitioner no. 1, Smt. Parul Budhraja, since the year 2014 when both met at Noida, voluntarily invested in the business project of '*QNet'* after being fully apprised of the nature and terms of the business. Subsequently, due to monetary disputes arising out of friendly loans of Rs 3,00,000/- and Rs.1,80,000/-, the said Shubham Agnihotri allegedly turned vindictive and initiated false criminal proceedings when repayment was sought.

8. It has further been stated that petitioner no. 1 had, in turn, filed her own complaints and civil recovery proceedings against Shubham Agnihotri in the competent courts at Delhi, including a recovery suit. The petitioners have asserted that the present FIR has been engineered by Rishabh Agnihotri acting merely as a proxy or front for his brother Shubham Agnihotri, and that the allegations contained therein are a repetition of the same set of facts forming part of FIR No. 38/2021. It has been further alleged that the impugned FIR amounts to a clear abuse of the process of law and has been lodged solely with the intent to harass the petitioners.

9. Learned counsel appearing on behalf of petitioners submitted that after perusal of the charge sheet/final report and the second F.I.R. reveals that both the FIRs are registered on the same transaction, same facts, same parties, same witnesses, same cause of action and with the very same documents. It is vehemently submitted that there is violation of principle as laid down by the Supreme Court in the case of **T. T. Antony Vs. State of Kerala** [1] **.** The Hon'ble Supreme Court has held that filing of second F.I.R. on the basis of the given facts and circumstances of the first F.I.R. is unwarranted and violative of fundamental rights under article 14, 20 and 21 of the Constitution of India.

10. Learned counsel appearing on behalf of petitioners further relied upon the ratio of Hon'ble Supreme Court in the case of **Arnab Ranjan Goswami Vs. Union of India** [2] relying T. T. Antony (Supra) . The relevant paragraph no. 28 of the said judgment is quoted as under:-

> *"28. The fundamental basis on which the jurisdiction of this Court has been invoked under Article 32 is the filing of multiple FIRs and complaints in various States arising from the same cause of action. The cause of action was founded on a programme which was telecast on R Bharat on 21 April 2020. FIRs and criminal complaints were lodged against the petitioner in the States of Maharashtra, Rajasthan, Madhya Pradesh, Telangana and Jharkhand besides the Union Territories of Jammu and Kashmir. The law concerning multiple criminal proceedings on the same cause of action has been analyzed in a judgment of this Court in TT Antony v State of Kerala ("TT Antony"). Speaking for a two judge Bench, Justice Syed Shah Mohammed Quadri interpreted the provisions of Section 154 and cognate provisions of the CrPC including Section 173 and observed:*
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> > *"20…under the scheme of the provisions of Sections 154, 155, 156, 157, 162, 169, 170 and 173 CrPC, only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 CrPC. Thus, there can be no second FIR and consequently there can be no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or incident giving rise to one or more cognizable offences. On receipt of information about a cognizable offence or an incident giving rise to a cognizable offence or offences and on entering the FIR in the station house diary, the officer in charge of a police station has to investigate not merely the cognizable offence reported in the FIR but also other connected offences found to have been committed in the course of the same*

1(2001) 6 SCC 181

2(2020) 14 SCC 12

> *transaction or the same occurrence and file one or more reports as provided in Section 173 CrPC."*

The Court held that "there can be no second FIR" where the information concerns the same cognisable offence alleged in the first FIR or the same occurrence or incident which gives rise to one or more cognisable offences. This is due to the fact that the investigation covers within its ambit not just the alleged cognisable offence, but also any other connected offences that may be found to have been committed. This Court held that once an FIR postulated by the provisions of Section 154 has been recorded, any information received after the commencement of investigation cannot form the basis of a second FIR as doing so would fail to comport with the scheme of the CrPC. The court observed:

> *"18…All other information made orally or in writing after the commencement of the investigation into the cognizable offence disclosed from the facts mentioned in the first information report and entered in the station house diary by the police officer or such other cognizable offences as may come to his notice during the investigation, will be statements falling under Section 162 CrPC. No such information/statement can properly be treated as an FIR and entered in the station house diary again, as it would in effect be a second FIR and the same cannot be in conformity withthe scheme of CrPC."*

This Court adverted to the need to strike a just balance between the fundamental rights of citizens under Articles 19 and 21 and the expansive power of the police to investigate a cognisable offence. Adverting to precedent, this Court held:

> *"27…the sweeping power of investigation does not warrant subjecting a citizen each time to fresh investigation by the police in respect of the same incident, giving rise to one or more cognizable offences, consequent upon filing of successive FIRs whether before or after filing the final report under Section 173(2) CrPC. It would clearly be beyond the purview of Sections 154 and 156 CrPC, nay, a case of abuse of the statutory power of investigation in a given case. In our view a case of fresh investigation based on the second or successive FIRs, not being a counter-case, filed in connection with the same or connected cognizable offence alleged to have been committed in the course of the same transaction and in respect of which pursuant to the first FIR either investigation is under way or final report under Section 173(2) has been forwarded to the Magistrate, may be a fit case for exercise of power under Section 482 CrPC or under Articles 226/227 of the Constitution."*

(Emphasis supplied)

The Court held that barring situations in which a counter-case is filed, a fresh investigation or a second FIR on the basis of the same or connected cognisable offence would constitute an "abuse of the statutory power of investigation" and may be a fit case for the exercise of power either under Section 482 of the CrPC or Articles 226/227 of the Constitution."

11. Learned counsel appearing on behalf of petitioners submitted that in view of the above facts and circumstances, the instant F.I.R. is nothing but gross misuse of process of law and violation of principle laid down by the Supreme Court as stated above as well as contrary to the principle of article 14, 20 and 21 of the Constitution of India and deserves to be quashed.

12. *Per contra*, Sri Anil Tiwari, learned Senior Advocate assisted by Sri Kabeer Tiwari, learned counsel appearing for the respondent no.4 opposed the writ petition and submitted that the petitioners have been rightly named in the impugned FIR, which clearly discloses the commission of cognizable offences under Sections 420, 467, 468, and 471 IPC. It is urged that the present FIR arises from independent acts of forgery and fabrication committed by the petitioners after registration of FIR No. 38/2021 and therefore constitutes a fresh cause of action.

13. It is further contended that the forged Declaration and Distributor Application Form, bearing counterfeit signatures and false attestation of Shri Virendra Singh, Notary Public were used by the petitioners during the proceedings of the earlier case to mislead the authorities, thereby attracting separate penal liabilities. The Notary, in his written reply, has categorically denied attesting the documents, which, according to the respondents, substantiates the allegations. It is also submitted that the FIR was registered pursuant to judicial directions under Section 156(3) CrPC, only after the complainant's repeated representations to the police went unheeded. The plea of the petitioners that the impugned FIR amounts to a *second FIR* is misconceived, as the two FIRs relate to distinct transactions and different offences where the earlier concerning cheating, and the present one relating to subsequent acts of forgery and use of fabricated documents. Learned Senior counsel for strengthening his argument has relied upon the ratio of judgements passed by the Supreme Court in the cases of **Ram Lal Narang v. State (Delhi Administration)** [3], **T. T. Antony v. State of Kerala and Others**

3(1979) 2 SCC 322

(Supra), Nirmal Singh Kahlon v. State of Punjab and Others [4], Babubhai v. State of Gujarat and others [5].

14. Learned Senior counsel appearing on behalf of respondent no.4 submitted that in view of the aforesaid submissions, the petitioners have failed to make out any case on merit for invoking the extraordinary jurisdiction under article 226 of the constitution of India by this court to allow the prayer as made in the instant petition. The instant writ petition is devoid of merit and is to be dismissed.

Analysis and conclusion:-

15. Heard learned counsel for the parties and perused the material available on record including the judicial precedents relied.

16. The law relating to the scope of interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India, particularly in matters seeking quashing of an FIR, is well settled. The power of quashing an FIR or criminal proceeding must be exercised sparingly, with circumspection, and only in rare cases where the complaint or FIR does not disclose any cognizable offence or where continuation of the investigation would amount to an abuse of process of law.

17. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal [6]** as well as in a catena of judgments, laid down the broad parameters under which quashing of an FIR may be justified. It has been held that the power under Article 226 or Section 482 CrPC is to be invoked only where (i) the allegations do not disclose the commission of any offence, (ii) the allegations are absurd or inherently improbable, (iii) the proceedings are manifestly attended with mala fides, or (iv) the complaint is maliciously instituted with an ulterior motive. The Hon'ble Court, however, cautioned that at the stage of investigation, the High

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4(2009) 1 SCC 441

5(2010) 12 SCC 254

6(1992)Supp (1) SCC 335

Court should not embark upon an inquiry into the truthfulness of the allegations.

18. Applying the aforesaid principles, the primary issue for consideration in the present case is whether the registration of FIR No. 230/2024 amounts to a "second FIR" in respect of the same set of facts and transactions as FIR No. 38/2021, thereby attracting the bar laid down in **T.T. Antony (Supra).**

19. In **T.T. Antony (Supra)**, the Hon'ble Supreme Court held that the registration of a second or successive FIR, relating to the same incident or transaction in respect of which an earlier FIR has already been registered and investigated, is impermissible in law. The Hon'ble Court observed that fresh investigation based on a second FIR would amount to an abuse of statutory power and violate Article 21 of the Constitution of India.

20. The said principle has subsequently been explained and qualified by several later decisions of the Hon'ble Supreme Court, notably in **Anju Chaudhary v. State of U.P.** [7] The consistent position that emerges from the authorities is that the test to determine the maintainability of a subsequent FIR is the "test of sameness", namely, whether both FIRs relate to the same incident or are in respect of the same occurrence or form part of the same transaction. If the answer is in the affirmative, the second FIR would not be maintainable; however, if the allegations in the subsequent FIR discloses a distinct occurrence, separate in time, place, or nature of offence, or if they reveal new facts or a larger conspiracy, a second FIR is legally permissible.

21. In **Anju Chaudhary (Supra)**, the Hon'ble Supreme Court, after harmonizing the earlier authorities, held that while there cannot be two FIRs for the same incident, a subsequent FIR can be registered if it relates to a different incident, discloses a distinct offence, or reveals a new dimension not covered by the earlier FIR.

7(2013) 6 SCC 384

22. It is made out by this Court that the purpose of registration of an FIR is to set the criminal law in motion; thus, if fresh facts disclose a separate cognizable offence, it cannot be said that a second FIR is barred. The Hon'ble Supreme Court has most recently reaffirmed and clarified these principles in **State of Rajasthan v. Surendra Singh Rathore,**[8] holding that while **T.T. Antony (Supra)** prohibits a second FIR in respect of the same transaction, it does not preclude registration of a subsequent FIR based on a different incident or discovery of a larger conspiracy or fresh facts. The "rule of sameness" must be applied pragmatically, and if the scope and object of the subsequent FIR are distinct from the earlier one, the bar against a second FIR does not operate.

23. Examining the factual context of the present case in light of the above legal position, it is evident that FIR No. 38/2021, lodged by Shubham Agnihotri, pertained to the alleged inducement and deception by the petitioners in persuading the complainant's brother to invest money in a business scheme run under the banner of *QNet*. The gravamen of that case was cheating and criminal breach of trust relating to the investment transaction of the year 2019. The investigation in that FIR focused on the financial dealings, representations made, and loss allegedly suffered by Shubham Agnihotri.

24. The present FIR No. 230/2024, on the other hand, is founded on subsequent and distinct allegations of forgery, fabrication, and use of forged documents purportedly bearing fake signatures of Rishabh Agnihotri, Smt. Shobha Agnihotri, and Shubham Agnihotri, as well as a counterfeit notarial seal of Shri Virendra Singh, Advocate and Notary Public. The primary accusation here is that after registration of the earlier FIR, the petitioners forged and fabricated documents and used them during judicial and investigative proceedings to mislead authorities and to secure undue advantage. The alleged acts of forgery and fabrication are stated to have occurred between 20.07.2019 and

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8 (2025) INSC 248

30.06.2024, i.e., subsequent to the initial inducement forming part of FIR No. 38/2021.

25. Therefore, while the two FIRs may refer to a common background of financial transactions between the parties, their scope, subject matter, and period of commission are manifestly distinct. The earlier FIR concerns inducement and cheating in respect of an investment and the present one concerns fabrication and use of false documents in judicial proceedings. The offences alleged in the latter, under Sections 467, 468, and 471 IPC, are independent and self-contained, and cannot be said to have been the subject matter of the earlier investigation.

26. The contention of the petitioners that the present FIR is a "second FIR" barred is, therefore, untenable. The present FIR discloses new and distinct offences allegedly committed after registration of the first case. The bar against a second FIR operates only where both relate to the same incident or transaction. In this case, the *test of sameness* is not satisfied. Moreover, the present FIR was registered pursuant to the order of the learned Magistrate under Section 156(3) CrPC after considering the material placed before him.

27. At this preliminary stage of investigation, this Court is not inclined to embark upon a detailed appreciation of facts or evidence. The veracity of the allegations of forgery, fabrication, and use of false notarial seals is a matter for investigation and, if warranted, trial.

28. Consequently, this Court finds no ground to exercise its extraordinary writ jurisdiction to quash the FIR and for the reasons aforesaid, the writ petition is, therefore, **dismissed.** Pending applications, if any, stands disposed of.

29. The investigation shall continue in accordance with law, uninfluenced by any observation made here-in-above.

(LAKSHMI KANT SHUKLA, J.) (CHANDRA DHARI SINGH, J.)

October 30, 2025
A.K.T.