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An analytical study of multiple firs: Legal principles and judicial trends

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Abstract
This research paper critically examines the complex issue of multiple First Information Reports (FIRs) lodged for the same offence. The study explores whether successive FIRs for the same offence are legally sustainable within the Indian criminal justice framework, particularly in light of constitutional and statutory protections, such as, Article 20 (2) (protection against double jeopardy) and Section 337 of BNSS, 2023 (corresponding Section 300 (1) of the Cr.P.C, 1973). The principle of "sameness of offence"—established by the Supreme Court—is central to this analysis, as it differentiates between a "rival version" (permissible) and an "improved version" (impermissible) of the same illegality.

Through doctrinal methodology and critical evaluation of landmark cases (e.g., T.T. Antony, Ram Lal Narang, Nupur Sharma, Arnab Goswami, Amish Devgan), this study identifies six permissible grounds for registering successive FIRs and discusses how the absence of statutory clarity exacerbates the issue. The increasing role of electronic media complicates jurisdictional boundaries and leads to a proliferation of FIRs, often filed in different parts of the Country, creating a chilling effect on free speech and overburdening judicial institutions.

The paper recommends that either the legislature amend the BNSS, 2023 to clearly restrict multiple FIRs for the same offence, or the Supreme Court lay down binding guidelines. Drawing from the U.S. model of a Judicial Panel on Multidistrict Litigation, the study argues for a centralized, high court-monitored mechanism to prevent abuse and ensure uniformity. Ultimately, the research calls for legal reform to strike a balance between victim rights, accused protection, and judicial efficiency.

Keywords: Multiple firs**,** same offence**,** sameness test**,** double jeopardy**,** electronic media**,** judicial precedents

Introduction

In the last few years, it has been observed that multiple First Information Report [1] (hereinafter referred as to the FIR) has been lodged for the same offence against a person/ s by different people in different parts of the Country especially in the matter connected with comments/ remarks against an ideology or a group, e.g., against- Arnab Goswami, chief editor of news channel Republic Bharat; Amish Devgan, a TV anchor; Union Minister, Narayan Rane by Maharashtra Police; in Sushant Singh Rajpoot, an actor of Bollywood, death case against Rhea Chakraborty; against Nupur Sharma, against Marathi actor Ketaki Chitale, against Zubair, co-founder of Alt news etc. Social media is also a big reason behind it due to its quick way to assimilate and disseminate information across the world. The question is, is the Multiple/ Second / Successive FIR legal and what are the effects on both offender and victims? In any legal instrument of India, the second FIR, expressly, neither permitted nor forbidden. According to some high courts, such as, High Courts of Telangana, Delhi, Karnataka etc. more than one FIR is not acceptable on the same incident. The probability of registering more than one FIR first of all came up in front of the Top Court in Ram Lal Narang v. State of Delhi case [2]. This case praised the lodging successive FIR. On the analysis of the decisions, pronounced by the constitutional courts in this context, we find that the Supreme Court has recognized multiple FIRs if 'rival version' is present in successive FIRs with respect to the same incident. According to the courts the possibility of lodging various FIRs is based on the facts and situations of the occurrence. In various cases, the courts have explained it and also applied the 'Sameness Test'. According to the court/ s, a second FIR is not permissible on the basis of 'improved version of the same incident/ offence' but on the basis of 'rival version of same incident/ offence' permissible. Except the courts, there is no means to solve the issue of multiple FIRs in our criminal legal structure. However, the law on filing multiple FIRs is still not stable.

The Apex Court is said on 18.01.2022, in the case of Radhey Shyam v. State of Haryana [3], that Centre should appear with some solvents and suggested to establish a mechanism similar to the USA's Judicial Panel on Multidistrict Litigation.

Objectives: The main objective/ s of this research paper are mentioned below

1. to investigate India's First Information Report (FIR) registration laws, specifically as they relate to consecutive or multiple FIRs.
2. to examine how the Supreme Court and High Court have interpreted and developed the idea of "sameness of offense" through significant rulings like those of T.T. Antony, Ram Lal Narang, Arnab Goswami, Nupur Sharma, and Amish Devgan.
3. to determine and categorize, in accordance with Indian criminal jurisprudence, the acceptable and unacceptable grounds for filing multiple FIRs.
4. to assess the protection against double jeopardy provided by Article 20(2) of the Constitution and how it relates to Section 337 of the BNSS, 2023 (which is equivalent to Section 300 of the Cr.P.C., 1973).

5. to evaluate judicial trends and their consistency in handling several FIRs critically, emphasizing the absence of uniformity in legal practice and statutory clarity.
6. to investigate how social media and electronic devices affect the number of FIRs filed in various jurisdictions, particularly when it comes to issues involving public speech and expression.
7. to investigate the real-world effects of numerous FIRs on victims' rights, accused rights, and the effectiveness of judicial administration.
8. to make recommendations for potential centralized handling of cases that are similar by contrasting Indian practice with international legal models, especially the U.S. system of the Judicial Panel on Multidistrict Litigation.
9. to suggest legal and procedural changes to stop abuse of the legal system and guarantee consistency in criminal investigations, either through judicial guidelines or legislative amendments to the BNSS, 2023.

Scope of the Study: The current study is limited to a doctrinal and analytical examination of the legal doctrines, statutes, and court rulings that regulate the filing of multiple or consecutive First Information Reports (FIRs) for the same offense in the Indian criminal justice system.

The primary focus of the study is

a. The interpretation of Section 300(1) of the Cr.P.C., 1973 in relation to Article 20(2) of the Indian Constitution and Section 337 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.
b. landmark rulings from the Indian Supreme Court and several High Courts that established guidelines and standards for judging whether multiple FIRs are lawful.
c. The judiciary created the "Sameness Test" to differentiate between a "improved version" (impermissible) and a "rival version" (permissible) of the same offense.
d. the effect of social media and electronic devices on the spread of FIRs in various jurisdictions, particularly when it comes to cases involving free speech, defamation, or expression of opinion.
e. Comparative analysis of global legal systems, with a focus on the U.S. Judicial Panel on Multidistrict Litigation, in order to investigate methods for centralizing or consolidating jurisdiction over comparable offenses.

The study excludes empirical or field-based data collection from police or courts and restricts itself to doctrinal and judicial analysis. From the Cr.P.C., 1973 to the BNSS, 2023, the focus period encompasses transitional developments and pertinent case law through 2025.

Limitation of the Study: The limitation of the study is

1. The study is doctrinal in nature and solely uses secondary data sources, including scholarly articles, law commission reports, statutes, case law, and court rulings.
2. Empirical data from surveys, interviews, or official police records are not used in this study.
3. Foreign legal systems are only cited for comparative analysis; Indian jurisprudence is the exclusive focus.
4. Since civil wrongs and non-cognizable offenses are not covered by "multiple FIRs" under criminal procedure, the paper does not address them.
5. The analysis excludes unreported or pending cases and is constrained by the availability of reported judgments.

Importance/ Significance: In India's criminal justice system, the problem of multiple or consecutive First Information Reports (FIRs) for the same offense has grown in importance, especially in the digital age. There is no statutory clarification regarding the legal sustainability of subsequent FIRs, even after numerous judicial interventions. There are various reasons why this study is important.

1. **Closing a Legislative and Judicial Gap:** Multiple FIRs are not specifically allowed or prohibited by the current criminal procedural framework, whether it be under the BNSS, 2023 or the Cr.P.C., 1973. This study clarifies legal ambiguity and highlights the need for clear statutory provisions or judicial guidelines by critically examining judicial pronouncements.

2. **Judicial and Policy Utility:** The results could help courts and legislators create consistent guidelines for judging the "sameness of offence" and distinguishing between an improved (permissible) and rival (permissible) version of an offense.

3. **Protection of Individual Rights:** When an accused person files multiple FIRs, they may be the target of repeated investigations, arrests, and harassment in various jurisdictions. This study emphasizes the necessity of striking a balance between the rights of the accused, the victim, and society in order to maintain procedural justice and stop abuse of the legal system.

4. **Relevance in the Digital Age:** Due to the quick dissemination of information via social media and electronic devices, a single act or statement may result in a formal complaint in several states. The study sheds light on how technology affects free speech and expression and increases jurisdictional complexity.

5. **Reformative and Comparative Contribution:** The study provides a comparative viewpoint and a workable mechanism for centralized adjudication of similar offenses in India by analyzing the U.S. model of the Judicial Panel on Multidistrict Litigation.

6. **Contribution to academia:** By bringing attention to a little-known but practically important topic, the study contributes to the corpus of criminal procedural law scholarship. It may serve as a useful reference for law students, researchers, practitioners, and policymakers working in the field of criminal law and constitutional justice.

7. **Societal Impact:** In order to strengthen the rule of law in a democratic society, the study ultimately highlights the necessity of striking a balance between victims' access to justice, freedom of expression, and judicial efficiency.

Research Method Adopted: This study mostly uses a doctrinal and analytical approach, concentrating on how

various FIRs are interpreted in relation to legal provisions, court rulings, and constitutional doctrines.

1. **Research Nature:** The nature of the study is exploratory, analytical, and qualitative. It aims to investigate current legal ambiguities and interpretive patterns pertaining to multiple FIRs in India.

2. **Data Sources:** The study makes use of secondary sources, such as:
- The Indian Constitution, the Criminal Procedure Code of 1973, and the Bharatiya Nagarik Suraksha Sanhita of 2023 are examples of statutes and legal documents.
- Supreme Court and High Court landmark rulings include T.T. Antony v. State of Kerala, Ram Lal Narang v. State (Delhi Admn.), Arnab Goswami v. State of Maharashtra, Amish Devgan v. Union of India, and Nupur Sharma v. State of West Bengal.
- Law Commission of India reports, law journals, articles, and commentary.
- Supreme Court and High Court websites, as well as digital legal databases (SCC Online, Manupatra, Indian Kanoon).

3. **Analysis Method:** Identifying legislative gaps through doctrinal analysis of laws and constitutional provisions.
- case-law analysis to track judicial patterns and the "sameness test's" interpretive development.
- To suggest workable legal mechanisms, a comparative analysis of U.S. and other international practices is conducted.
- critical assessment of how numerous FIRs affect judicial effectiveness and fundamental rights (free speech, fair trial).

4. **Approach:** In order to achieve uniformity and justice, the study takes a problem-oriented approach, looking for discrepancies in judicial interpretation and suggesting reforms through judicial guidelines or statutory amendment.

Legal Framework

Article 20 (2) of the Constitution says that any person can't be prosecuted and punished twice for the 'same offence' and Section 337 (1) of BNSS, 2023, says that "A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted for such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 244, or for which he might have been convicted under sub-section (2) thereof."

The phrase 'same offence' is used in the Constitution and BNSS., therefore, it is important to understand the meaning of this phrase.

Same offence: Under Article 20 (2) of the Constitution, protection against double punishment is given only when the accused has not only been prosecuted but also punished because the phrase 'prosecuted and punished' is used. This provision deals exclusively with judicial punishments and provides that no person is prosecuted and punished twice by the judicial authorities [4]. Thus, we see that this Article doesn't define the 'same offence'. The bare reading of Section 337 (1) of BNSS, 2023 (previously Sec. 300 (1) of Cr.P.C.) clarifies that, based on the same offence, in which the accused once has been acquitted or convicted; a second trial cannot be initiated. But this Section also doesn't define the 'same offence'. Other than this, Section 26 of General Clauses Act, 1897 says that "Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence". Here this Section also speaks the language of the Constitution and doesn't talk about the definition of 'same offence'. To resolve this issue, the the Apex Court established the 'test of sameness'.

Principle of Sameness: The Court established the 'test of sameness' in T.T. Antony v. State of Kerala case (decided by the division bench of the Apex Court on 12th, July, 2001) [5], with discussing extensively on legality of the several FIRs. According to the Court, this test means, if in both the FIRs, the fact/ s and circumstances are the same, then the second FIR can't be sustained. This means that two FIRs can be sustained when facts and circumstances are different in both the FIRs (the offences are made different in both) or criminals are different. The Court further stated, after observation of the provisions of Sections 154 to 173 of Cr.P.C., which are about the starting point of an FIR to the ending of the investigation, (now Secs, 173 to 196 of BNSS, 2023), the earliest/ first intimation, given to the investigating agency related to any offence, fulfills the requirement of Section 154 (now Section 173 of BNSS, 2023) and thus, there is no possibility of second FIR on receipt of subsequent fact/ intimation.

In line with the verdict of Surender Kaushik and Others v. State of Uttar Pradesh and others [6], case, which was decided by the division bench, it does not allow registration of new complaints/ FIR which is only based on the improvement of facts in the first FIR. The Court observed here also that at the end of the investigation, if the gravamen is same in reference to the substance of the both FIRs, the second FIR can't be sustained. It will also cover those things which the police get subsequent information or material in further investigation permitted under Section 173 (8) of Cr.P.C. (now Section 193 (9) of BNSS). If the complaints are related to the same transaction or are part of the same incident, then it will be considered that facts/ subject matter of both the FIR/ complaints is the same. The Court said that technical connotation can't be given to the meaning of 'same transaction' [7] and that's why common sense should be applied to discover whether the fact is a part of the same matter. Event/ s or part of the event is related to the same incident in close proximity then that event or part of the event will be considered the same incident. Where charges are different in the successive FIR then it will be sustained and it is not an improvement of charges made in the first FIR. It means, according to the Court, 'enhanced description of the alike offence' can't be a base for subsequent FIR but 'rival description of same event', for multiple FIRs, can be a base [8].

In above cases, the Hon'ble Court used the phrase 'improvement/ enhanced version of facts' and 'same transaction/ part of the same incident' and. That' why it's became to understand the meaning of these phrases.

Improved Version of Facts: 'Improved version' means same informant filing another FIR adding details to the earlier one.

Improved Version and Rival Version of Facts: It will also be important to know the meaning of 'Rival Version' as well as 'Improved Version'. As stated by the Court in Surendra Kaushik and Others v. State of Uttar Pradesh case, [9] if a rival version of the same incident is put forth, it can be treated as a separate FIR. But, a second FIR by the same informant giving an "improved" or "elaborated" version of the earlier complaint is not maintainable. 'Rival version' means different party's counter-story of the same incident for counter/ cross FIR. In other words, rival version means that two or more parties give different accounts of the same incident or occurrence, i.e.,

- One side file a FIR narrating their version of the facts.
- The other side (often the accused or another party to the incident) also lodges a FIR or complaint presenting their own account of what happened, often contradicting or blaming the first informant.
- This is also commonly referred to as a cross-case or counter-complaint.

'Improved version' means same informant filing another FIR adding details to the earlier one (not allowed).
Further, the Court said that on the basis of this Principle, a second FIR registered under Section 156 (3) of the Cr.P.C., on the direction issued by a Magistrate, is to be not sustained unless a different offence is found.

Part of the Same Transaction: To decide the same/ part of the same transaction, the "consequential test" is laid down by the Court.

Test of consequence: To determine whether an offence ought to be treated as part of the same transaction, the "consequence test" is laid down and explained in the case of C. Muniappan v. State of T. N. by a division bench of the Supreme Court on 30th August, 2010 [10]. According to the Court, if an offence, which is a portion of the subsequent FIR and arises as an outcome of the offence (as assumed in the initial FIR), is the same then, the subsequent FIR will not sustain in law. This test of consequence has been reiterated by the courts in various cases, such as, Amitbhai Anilchandra Shah v. CBI, [11] etc.
An example (case) of the Test of Consequence- In a case of Chirra Shivraj v State of Andhra Pradesh (decided by the Supreme Court on 26 November, 2010) [12] the first FIR was registered on the basis of the statement of deceased on receiving grievous burns, who later died and then his death was noted as a second FIR. In that factual scenario — the Supreme Court held that the second FIR was not required— the first FIR was sufficient, and the second FIR will be treated as part of the same transaction under the first FIR. The contents of the so called second FIR could have been incorporated in the police diary as a result of further information or event which had been taken place in pursuance of the first offence, which had been recorded under first FIR. The first FIR would continue, and the so-called second FIR would not survive independently — it would be absorbed into the investigation of the first FIR, with charges modified to reflect the victim's death.
It is also to be noted here that 'Sameness of offence' and 'same kind of offence' looks and sounds alike and also same in nature but they constitute different offences.

Test of 'sameness' 'same offence' and 'same kind of offence': A contention of applicability of the Test of 'sameness' came up before the Top Court in the State of Jharkhand v. Lalu Prasad case (which was decided by the Apex Court on 8th May, 2017) [13] from another perspective. In this case the Court observed that 'same offence' and 'same kind of offence', both are different and 'sameness' test will not apply in offences of similar (same) kinds, such as, i) murder and culpable homicide and ii) trespass and housebreaking. The offences of both categories are similar in character/ nature but constitute different crimes under the IPC, 1860/ BNS, 2023. In such cases the Police are supposed to register separate FIRs.
In light of the above factual scenario, we can say that instead of a second FIR, the proper legal course was to alter the charges in the first FIR to include the offence of murder after the victim's death [14].
Now here, after the above-mentioned discussions, we can say that the expression 'same offence' (also called same occurrence, same transaction or same incident) shows that the offence for which the accused shall be tried and the offence for which he is again being tried must be identical, and based on the same set of facts [15]. It means 'same offence' is 'Sameness of facts' and includes improved version of facts and consequences of facts/ incidents, but not includes same kind of offences and rival version of facts in relation to FIR.

Views of Constitutional Courts where Successive FIRs were/ are not maintainable on the basis of Same facts
There are various cases, decided by the Apex Court and various other constitutional courts where successive FIRs were not permitted on the basis of 'same offence'/ 'principle of sameness'.

1. **Same cause of Action/ Identical Facts:** In Arnab Ranjan Goswami v. Union of India case (decision delivered by the Apex Court on 19 May, 2020) [16], it was decided that various FIRs should not have been lodged with regard to the same transaction. In April, 2020, in this case, various FIRs were made in various states of India against the accused, due to his broadcast in relation to an incident which took place in Palghar district.

In another case, Amish Devgan v. Union of India (judgment delivered by the Supreme Court on 7 December, 2020) [17] where several FIRs were registered against the accused in various states for hosting a program in June, 2020. Accused went before the Top Court and prayed to club all those FIRs and remove to Ajmer where the initial FIR was lodged. The Court permitted the prayer of the accused.
In the case of Atir v. State of NCT Delhi [18], which was decided by the Delhi High Court on 1st September, 2021, relating to the North-East Delhi riots in February, 2020, the Court observed that all FIRs are identical in their content, all are related to the same transaction and state about financial loss, which was caused to all sufferers residing in the same compound's buildings, therefore, it can't be said that there are five separate offence/ incidents. So, five FIRs can't be lodged [19]."
A very famous case, which is known as Nupur Sharma Case, [20] came before the Top Court. The fact of the case was that Nupur Sharma, former BJP spokesperson, has made remarks about the Prophet Muhammad but later she apologized and withdrawn her statement. Despite that several FIRs were registered against her in many states. Due

to this remark of Ms. Sharma, all the Muslim organizations started protesting all over the Country and many people were also murdered. Sharma had demanded from the Supreme Court that all FIRs registered against her across India be gathered together and transferred to Delhi. She also pleaded about security, which she and her family had been facing. The Supreme Court refused to consolidate multiple FIRs filed in several states against her with strong remarks [21] and asked the petitioner to approach the High Court [22]. This refusal was against both long-standing judicial precedents and standards of prudence & predictability in the administration of the criminal justice system. However, Later the Supreme Court of India has accepted a petition filed by former BJP spokesperson Nupur Sharma to merge all the FIRs filed against her at various places in the country and transfer them to Delhi. A bench of justices Surya Kant and J B Pardiwala passed this order, which was earlier rejected with problematic remarks. Essentially, after blaming Nupur Sharma when she approached the same bench to club the FIRs against her on the 1st of July, on the 10th of August, May lords changed their mind completely and granted her request, based on the judgment in the Zubair case and in view of the threats being given to Nupur Sharma [23]. Not only this, the Court further said that in future, the FIR, against Nupur Sharma, will be registered in Delhi only. While giving relief to Sharma, the Court said/ did two new things

1. Till date all the constitutional courts transferred/ clubbed all the Multiple FIRs where the first FIR was registered, whereas in this case, all the FIRs transferred/ clubbed in delhi which was not the first FIR's place; and
2. For the first time, the Apex Court talked about the multiple FIRs which to be registered in future saying that in future, any FIR against Nupur Sharma will be lodged in Delhi only.

Clubbed FIRs are one FIR or Multiple FIR: It is also important to know here whether the clubbed FIRs are considered as one or it is multiple FIRs. When multiple FIRs are registered on the basis of the same facts or same cause of action, Indian courts have consistently held that they cannot be treated as separate FIRs.
If they arise out of the same transaction, incident, or occurrence, they are liable to be clubbed together and treated as one FIR. If two or more FIRs are found to be based on the same transaction, the court or investigating agency may

- Club them together and investigate as one case; and
- Treat the first FIR as the main FIR, with the rest being statements or supplementary reports under Section 173(8) CrPC.

This ensures

1. Avoidance of double jeopardy (Article 20(2), Constitution of India),
2. Prevention of abuse of process of law, and
3. Maintenance of judicial discipline.

2. **Conviction or Acquittal remains in force:** If a person has already been tried by a Court of competent jurisdiction (i.e., a trial court with authority over the matter) for an offence, and has been convicted or acquitted, Then, as long as that conviction/acquittal is in force, the same person cannot be tried again for the same offence.

3. **In the Circumstances of Section 244 (1) and (2) of BNSS:** Sub-section (1), Section 244 is in relation of where doubt exists about the offence. Sometimes, a single act or a series of acts can fall under different possible offences, depending on how evidence unfolds. At the time of framing charges, the police/ court may not be sure which exact offence the facts will finally prove. In such cases, the law allows flexibility
   - The accused may be charged with all possible offences that the act might constitute, and tried for them together, OR
   - He may be charged in the alternative, e.g., either this offence or that offence.

In such a case any other charge could have been framed, but was not framed, then a second FIR is not permissible regarding this.
Sub- section (2) of Section 244 deals with conviction for a different offence than charged. If the accused is charged with one offence, but evidence later shows he actually committed a different offence (one of those he could have been charged with under sub-section (1)), the court can convict him for that different offence even though he was not specifically charged with it; and there is no need of a second FIR for this different offence.

4. **Improved Version of Facts:** 'Improved version' means same informant filing another FIR adding details to the earlier one (not allowed). A second FIR by the same informant giving an "improved" or "elaborated" version of the earlier complaint is not maintainable.

5. **Consequence of Facts:** if an offence, arises as an outcome of the offence (as assumed in the initial FIR), then subsequent FIR will not sustain in law. For example, the first FIR was registered on the basis of the statement of deceased on receiving grievous burns, who later died and then his death was noted as a second FIR. In that factual scenario, the second FIR was not required— the first FIR was sufficient, and the second FIR will be treated as part of the same transaction under the first FIR.

It is revealed, on the analysis of the various concerned decided cases, that till date even the Apex Court has not reached any one conclusion regarding the multiple FIRs.

Pave of Multiple FIRs: Provision/ s, relating to the Multiple FIRs in a same offence, are not given in any legal written instrument in India. Still, multiple FIRs are being recorded for the same offence in different corners of the country in recent times. As stated above, the probability of lodging multiple FIRs firstly came up before the Apex Court in Ram Lal Narang [24] case. In this case, a huge conspiracy that was revealed in the second FIR, could not be revealed in the first FIR. Both FIRs were registered in the same case/ incident, i.e., conspiracy. The Court found that some of the conspirators were same in the both FIRs but their objects were different. That's why it was held by the Court that it can't be said that both the FIRs are based on the same case/ incident and the Court retained the second FIR. The

decision of this case paved the way for filing the second FIR in the same offence.

When Successive FIR is Maintainable

Matters, where the successive FIR are declared permissible by the Apex Court

1. Second FIR/ complaint is acceptable if both FIRs are registered as a counter [25]. It is possible that after a FIR is filed, the other party (accused) may also file a FIR different version of events or against the different accused (criminals are different) – This is called a counter/ cross FIR.
2. If the second FIR is against a different set of accused persons and discloses their independent role in the crime, it will be treated as a fresh case; as stated in the case of T.T. Antony.

Example: If FIR-1 names "X" and FIR-2 later reveals "Y" and "Z" as separate offenders involved in the same broad event but by separate acts, FIR-2 is valid.

3. A subsequent FIR can be lodged where a new fact/ s is discovered and these facts made a different offence. It was held in T.T. Antony case by the Apex Court. Nirmal Singh Kahlon v. State of Punjab case [26] a second FIR was registered by CBI, after conducting a preliminary inquiry in which new facts/ information was found and they constitute separate offence/ s. It was held that the second FIR is sustainable. Before CBI's steps, the police had neither done a fair investigation nor found out the larger conspiracy. Facts of the case was related to the recruitment scam in Punjab and as below

Certain persons had manipulated the selection process of Panchayat Secretaries. First FIR lodged for forgery of documents by local police, but did not conduct a fair investigation. Later, CBI conducted a preliminary inquiry and discovered new material, showing a larger conspiracy involving more accused and different offences. It is found that officials also took illegal gratification (bribery) and were part of a criminal conspiracy with politicians. Based on this new information, CBI registered a second FIR because these new offences were not included in the first FIR. The Court held that the second FIR was maintainable because

1. The CBI's inquiry revealed new facts not covered in the earlier FIR.
2. These new facts constituted separate and distinct offences (not merely a continuation of the first).
3. The first investigation by the State Police was not fair or complete, and had failed to uncover the larger conspiracy.

The rule that is created by this case is that a subsequent FIR is valid when

a. New facts or information emerge, not part of the first FIR.
b. These facts disclose different offences or a larger conspiracy.
c. The earlier investigation was incomplete, unfair, or suppressed material facts.

4. If the same set of facts, acted by the offender/ s, constitutes different offences with different victims then, a second FIR can be lodged. In Chirag M. Pathak v. Dollyben Kantilal Patel case (which was decided by the Apex Court on 15th November, 2017) [27] where six FIRs were registered in different police stations based on the identical facts by six different cooperative societies. The Top Court stated that all the FIRs are acceptable because in all FIRs, the entirety of factual charges makes the offences dissimilar.

The facts of the case were: Accused persons induced six cooperative societies to invest in their scheme, by making false representations. As a result, six FIRs were lodged in different police stations — each society being a separate complainant. The accused argued that all FIRs are based on identical facts, so multiple FIRs should not be allowed.

The Court upheld the registration of all six FIRs and gave the following reasoning

1. Though the modus operandi (false representation, cheating) was similar, each cooperative society was a different victim.
2. Each FIR disclosed a distinct offence of cheating and criminal breach of trust, committed against that particular society.
3. Each has a separate cause of action and circumstances.
4. Thus, the offences were not identical but separate in law.

The ruling that came from this case is that even if the facts are identical or similar, separate FIRs are permissible because

a. Each FIR discloses an independent offence.
b. Each is lodged by a different victim/complainant.
c. The cause of action in each FIR is distinct.

Example: A fraudster uses the same false documents to cheat 10 different banks. Even though the facts (false document, misrepresentation) are the same, each bank is a separate victim. So, 10 different FIRs can be lodged — one by each bank.

5. If a person, through the same set of facts, commits different offences under the different law/s of the lands (one is foreign law and other is Indian Law), successive FIRs can be lodged. This was stated by the Court in the Monica Bedi v State of Andhra Pradesh Case [28]. In this case the accused had falsely obtained a passport and had been tried for the offence in Portugal, when the Indian Courts began proceedings against her she pleaded double jeopardy, but it was stated by the court that despite the fact that she had already been tried in a different country, it did not bar the Indian Courts from punishing her, and double jeopardy could not be made available. Hence, if the facts are the same but the elements of the crime are different, this defense cannot be made available.

In fact, as per T.T. Antony case only one FIR is permissible for the same incident, even if offences arise under multiple statutes. The police must mention all relevant provisions in that one FIR. If same facts disclose different offences under different Acts, only one FIR must be lodged, mentioning all laws involved. Successive FIRs are not allowed for the same transaction, whether under IPC, IT Act, Passport Act, or any other statute. The Monica Bedi case only clarified that

foreign trial does not bar Indian prosecution, not that multiple FIRs are permissible.

6. If there is a case where the offense is continuing, then it is said that every single moment the offender is committing a crime, in other words the act of the offender constitutes a new offense every moment and the accused can be punished for each one separately, and this would not amount to double jeopardy [29].
7. Conviction or Acquittal of Accused is not remaining in force, then second FIR can be lodged. A conviction or acquittal loses its legal effect in the following circumstances

- **Set aside on Appeal/Revision:** If a higher court reverses the conviction/acquittal.
- **Lack of Jurisdiction:** If the first court had no jurisdiction, its judgment is void.
- **Retrial Ordered:** If the original trial was vitiated (e.g., serious irregularity, mistrial).
- **Pardon/Remission/Commutation:** The conviction's force is altered by constitutional clemency powers (Arts. 72 & 161).

But for the second FIR, if the conviction/acquittal is set aside or found void, then the bar under double jeopardy disappears, and proceedings (including FIR/investigation) can start afresh.

Legal Instruments relating to the FIR/ Multiple FIRs and Rights of the Victim & Accused

As stated above, provision/ s, relating to the Multiple FIRs for the same offence, are not given in any legal written instrument in India. Article 20 (2) of the Constitution nothing says about Second FIR/ Prosecution/ Trial. Section 337 (1) of BNSS (corresponding Section 300 (1) of Cr.P.C., 1973) also says nothing about it neither Section 26 of the General Clauses Act, 1897.

Here, it is notable the starting point of 'Prosecution', as used in Article 20 (2) of the Constitution, because it will be important to know it also for the topic of this Research Paper. This issue has been quite debatable and regarding the meaning of prosecution different views have been taken from time to time. Such views have been

1. prosecution starts with registration of an FIR,
2. the commencing point of prosecution is filing of charge sheet in the Court by the Investigating Officer,
3. it is the date when the Magistrate takes cognizance on the charge sheet /challan /investigation report filed by the Police, then the prosecution starts, and
4. prosecution starts with framing of charges by the Court.

The most accepted view on the issue is that the prosecution starts with the filing of the Investigation report/ challan/ charge sheet by the Investigating Agency in the Court [30]. But it should be the day the magistrate takes cognizance on the charge sheet.

For driveway to restrain multiple FIRs, it is also important to know the place/ s of FIR where it can be lodged. According to the law, normally a FIR should be lodged in that police station area where the offence takes place. This is not explicitly stated anywhere in the BNSS/ Cr.P.C., but it is implicitly. Implicitly, in such a way that each offence is inquire into/ trial by that Court, whose territorial jurisdiction the offence take place, as stated in the Sections 197 of BNSS (corresponding Section 177 of Cr.P.C). Sections 197 to 209 of BNSS (corresponding Sections 177 to 189 of the Cr.P.C). describe the various circumstances where a FIR can be filed. But nowadays, in the age of social media, it becomes difficult to determine the jurisdiction for the case/ crime, which is committed by posts or statements made in electronic media. where the crime took place, Where the accused live, where the residence of the victims is, where did the effect of a criminal act arise, etc., on the basis of all these things, as stated in Sections 197 to 209 of BNSS, 2023 (corresponding Sections 177-189 of the Cr.P.C., 1973), the jurisdiction of the case should be determined but all these things can't be determined easily in this electronic media age. Because there are always being three points, i.e.

1. from where the post was sent or the statement was made/ recorded,
2. broadcast centre, and
3. where such post or statement was received or heard,

and these three elements are causing the difficulty. Here, if it is assumed that at any of these three places FIR can be lodged then, this problem can be resolved, as like Section 198 of BNSS, 2023 (corresponding Section 178 of CrPC).

One another important enactment/ provision that need to be discussed here, that is the Proviso of Section 413 of BNSS, 2023 (corresponding proviso of Section 372 of Cr.P.C., 1973) [31] who says that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court. A fundamental principle of criminal law is that 'offence' is deemed to be against the State and that's why the state takes action against the offender and gets it punished by the court. In a criminal case, the victim is a stakeholder to the prosecution and satisfies himself when the offender is punished. And to fulfill the same satisfaction an optional right to victim is given in Proviso of the Section 413 of BNSS, saying that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation. There is no such requirement or no law says that all victims should be part/ witness of the prosecution. Here a question arises that, whether the victim, who is directly not involved in the prosecution, also has the right under this Proviso? for example, offenses given in Sections 298-302 (offences against religion) of BNS, 2023 (corresponding Sections 295-298 of the IPC, 1860), where the number of victims can be very high and from any corner of the Country. Reading the Text of the Proviso of Section 372 of Cr.P.C., it appears that such a victim also has this right. Then further, a problem will come about the right of the victim which is given to him under this Proviso, and that would be that a FIR has been registered at the one side of the country and there is a victim at the other end, then he can't use his right easily. This is possible in the offences of inciting religious sentiments, because it is not necessary that every victim has become a complainant in the FIR but he could be a victim. It can be said here that if such a victim has the use of this right, then he should his reach out to other corners of the country; otherwise, he should satisfy himself with the action taken by the concerned State because any offence is against the State.

Here, it is also pertinent to consider Section 197 of BNSS (corresponding Section 179 of the Cr.P.C.) and on the basis of this Section, we can say that if it's a crime to 'say something' so wherever it has its effect, a FIR can be lodged there. But due to this, it does not mean that this Section permits filing of more than one FIR. It only means that one FIR can be made anywhere. This is revealed by Sections 198 and 206 of BNSS (corresponding Sections 178 and 186 CrPC), according to the spirit of which a crime must have only one trial/ FIR.

Section 210 of BNSS (corresponding Section 190 of the Cr.P.C.) grants the power to the Magistrate to take cognizance of an offence, but it can't be interpreted that they permit two FIRs for an incident/ occurrence.

Now, after analysis of the relevant provisions of the Constitution, various enactments and judgments of the constitutional courts, we can say that multiple FIRs on the same incident/ occurrence are violative/ contrary to the spirit of the Articles 21 & 22 of the Constitution and various principles of the criminal laws. Analysis of the Sections 175-196 (information to the police and their powers to investigate) of BNSS (corresponding Sections 156 to 176 of Cr.P.C.) and Sections 197-209 of BNSS (corresponding Sections 177 to 189 of the Cr.P.C.) also reveals that only one FIR should be lodged for 'same offence'.

Multiple FIRs are only a burden upon the various branches of the criminal justice delivery system which are already under overburdened. It is a compromise of justice with the accused, because in police stations and courts, he will visit different corners of the Country for the same offence. It will also compromise the time of the investigating agencies and money of the taxpayers as used by the government/ state in the investigation of the offences. Such intention can't be of any democracy.

USA's Judicial Panel on Multidistrict Litigation

Now we will talk about the Judicial Panel on Multidistrict Litigation of USA, as suggested by the Top Court in the case of Radhey Shyam on 18th January, 2022, where a prayer was made, looking for relocation and clubbing of several FIRs lodged against the accused. The Top Court was suggested that the Centre Government may also come out with such a mechanism or other mechanism so that no one can play, take shield or misuse the law for harassment to an individual. The Judicial Panel on Multidistrict Litigation is a special body situated within the United States which controls the multiplicity of cases. The Panel was set up in 1968 and it has the authority to determine whether civil actions pending in two or more federal districts can be transferred to a single federal district for pretrial proceedings. If such cases are based on common questions/ facts, the Panel select the district court to transfer the cases. The purpose of the transfer is to avoid duplication of discovery and prevent inconsistent pretrial rulings as well as conservation of resources of the parties and the judiciary. Establishment of a Panel like USA, prima facie, seems to be a notable key to avoid diversity of FIRs. In my opinion, any Panel, regarding this, is not necessary for our legal system because this exercise can be done by the High Court, as empowered by the Section 206 of BNS (corresponding 186 of the Cr.P.C.).

Conclusion

There is no any enactment regarding the successive FIRs; even about the earlier stages of the trial. Regarding this, the legislature/ s is also not doing anything. Hence, multiple FIRs being lodged for the same offence against accused by different people in different parts of the Country. This is high time to curb this complex issue, i.e., the continuing tendency of lodging numerous matching FIRs/ complaints against any accused in respect of the same offence in this electronic media era, which is disturbing the criminal legal system. The scope of the second FIR on the same incident is limited, as may be done only in six matters, as mentioned above, in accordance with the principles established by the Supreme Court. It is revealed, from the analysis of the various provisions of the legal instruments and multiple judgments of the constitutional courts, that the law of the land, about successive/ subsequent FIRs on the same offence, is still not completely stable. The law of the Country, on this issue, is currently based on judicial pronouncement. The Top Court established the 'Sameness Test', due to no definition of 'same offence' given by any legal instrument. Further, the Court also held that an enhanced/ improved report of the same occurrence is not a base for subsequent FIR but on the basis of 'rival version of same incident/ offence' multiple FIRs can be permitted. And till date, on the basis of these Tests/ Principles successive FIRs related matters are being resolved by the Court but it is not sufficient to resolve the said issue completely. In this age of social media, there are two main problems before the existing law, for solve the problem of multiple FIRs, i.e., first, to determine the place of FIR, regarding the offence which is committed by posts or statements made by electronic media and second, use of the right, which is provided under the Section 413 of BNSS (corresponding Proviso of Section 372 of Cr.P.C.) to the victim. Here we are talking about the rights of that victim who is not part of the prosecution directly but he is the victim and where the offender is prosecuted, he is far away (in another corner of the country) from the place of the prosecution.

If it is determined that at any of these three places, i.e., i) from where the post was sent or the statement was made/ recorded, ii) broadcast centre, and iii) where such post or statement was received or heard, FIR can be lodged then, first problem will be resolved, because these three places are important to decide the place of a FIR regarding offences committed through electronic media.

Regarding to the removal of the second problem, it should be ensured, if a victim wants the use of his right which is granted under the Article 413 of BNSS (corresponding Proviso of Article 372 of the Cr.P.C.), that he should make his reach out to other corners of the country where prosecution is made; otherwise, he should satisfy himself with the action taken by the concerned State.

Constitution of a panel like the USA's, namely 'Judicial Panel on Multidistrict Litigation', as suggested by the Apex Court, is not necessary because this exercise can be done by the High Court, as empowered by the Section 206 of BNS (corresponding Section 186 of the Cr.P.C.). And the critical problem has been solved by the Top Court through establishing the Test/ Principle of 'Sameness'.

Suggestions

Regarding the multiple FIRs and offences which are committed through electronic media following are the suggestions

1. Only a second FIRs (not multiple FIRs) should be sustained only on the basis of the seven grounds which are pronounced by the Supreme Court through its decision and mentioned above in this Research Paper, if the matter of multiple FIRs falls within the limits of one

police station. These seven grounds should be explained to every police officer during their training.

2. If the matter of multiple FIRs falls within the limits of more than one police station but falls within one district, then the District Judge should have the right to decide where a FIR can be sustained or should be clubbed.
3. Constitution of a panel like the USA's, namely 'Judicial Panel on Multidistrict Litigation', as suggested by the Apex Court, is not necessary because this exercise can be done by the courts. If the matter of multiple FIRs falls within the limits of more than one police station but falls within one district, then the District Judge should have the right to decide where an FIR can be sustained or should be clubbed together. High Courts can to do so under Section 206 of BNS if multiple FIRs lodged under the territorial jurisdiction of the same high court but more than one district; and by the Supreme court if multiple FIRs fall under the territorial jurisdiction of multiple high Courts. This can be done by increasing the number of judges.
4. The courts can be solved the problem of multiple FIRs (regarding the crime committed through social media) saying that only one FIR can be sustained at any of the one place, i.e.,

1. from where the post was sent or the statement was made/ recorded,
2. broadcast centre, and
3. where such post or statement was received or heard;

5. by ensuring that if any victim wants the use of their right under the Section 413 of the BNSS, then he should make his reach out to other corners of the country where prosecution is made; otherwise, he should satisfy himself with the action taken by the concerned State.
6. This determination (for points 2 to 5 of this suggestions) should be done by the Central Legislature through amending the BNSS or by the Supreme Court through a decision of any case. If the Central Legislature makes any such provisions/ enactments, then a ban should be imposed on the state's legislature that the state's legislature can't tamper with such provisions, because Law and Order is a state's subject and the state can do so. And if this is done by the Apex Court then nothing like this needs to be done and will be binding on all institutions as well as all individuals.

References

1. FIR is a written document prepared by the police under Section 173 of BNSS, 2023 (previously Sec. 154 of the Code of Criminal Procedure, 1973) on the receiving information about the commission of a cognizable offence. And the Multiple FIR means, other FIR/ s lodged after registration an FIR for the same offence committed by same person/ s.
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15. Supra Note 6, vide also State of Rajsthan v. Hat Singh, (2003) 2 SCC 152, Surendra Kaushik and Others v. State of Uttar Pradesh, (2013) 5 SCC 148.
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19. Ibid.
20. NV Sharma v. Union of India| MA 001238 - / 2022 in WP (Crl) 239/2022.
21. Remarks made by the Court were like that Sharma had a loose tongue and it set the entire country on fire; this lady is single-handedly responsible for what is happening in the country etc. These remarks were heavily criticized on the various grounds by the people
22. It is the view remains of the Supreme Court to send the case before the High Court that the idea of the high court can be known and taken benefits of.
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24. Supra Note 2.
25. Upkar Singh v. Ved Prakash, (2004) 13 SCC 292.
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31. This Proviso was inserted in the Cr. P. c. by the Act 5 of 2009, Section 29, w.e.f. 31-12-2009.