

FIR – Complaint already filed – Merely because on the same set of facts with the same allegations and averments earlier a complaint is filed, there is no bar to lodge the FIR with the police station with the same allegations and averments



CrPC S. 210 – Merely because on the same set of facts with the same allegations and averments earlier a complaint is filed, there is no bar to lodge the FIR with the police station with the same allegations and averments – Plea that as on the same allegations, the complainant has filed an application under Section 156(3) Cr.P.C., which is pending before the learned Magistrate, the FIR filed later with the same allegations and averments would not be maintainable – The aforesaid cannot be accepted for the simple reason that Code of Criminal Procedure permits such an eventuality of a complaint case and enquiry or trial by the Magistrate in a complaint case and an investigation by the police pursuant to the FIR – However if it is found that the subsequent FIR is an abuse of process of law and/or the same has been lodged only to harass the accused, the same can be quashed in exercise of powers under Article 226 of the Constitution or in exercise of powers under Section 482 Cr.P.C. – In that case, the complaint case will proceed further in accordance with the provisions of the Cr.P.C. – I

IPC S. 406, IPC S. 420, NIA S. 138, COI Art. 226, CrPC S. 154, CrPC S. 156(3), CrPC S. 200, CrPC S. 210, CrPC S. 210, CrPC S. 482.

FIR

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