

**(2025) 10 DEL CK 0059**

**Supreme Court**

**Case No:** Writ Petition (Criminal) No. 123 Of 2023 With Writ Petition (Criminal) No. 141 Of 2023, 315 Of 2024, Criminal Appeal Nos. 4565, 4566, 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4576, 4577, 4578 Of 2025 (@Special Leave Petition (Criminal) Nos. 3818, 7233, 7233, 7235, 7380, 10187, 13679, 13231, 13232, 15251, 15252, 15253, 15254 Of 2023, 8615, 10555 Of 2024)

Rajendra Bihari Lal And Another

APPELLANT

Vs

State Of Uttar Pradesh And  
Others

RESPONDENT

**Date of Decision:** Oct. 17, 2025

**Acts Referred:**

- Constitution of India, 1950 &mdash; Article 14, 19, 19(1)(a), 21, 25, 26, 28, 28(3), 32, 136, 142, 226, 227
- Bhartiya Nagarik Suraksha Sanhita, 2023 &mdash; Section 528
- Code of Criminal Procedure, 1898 &mdash; Section 561A
- Code of Criminal Procedure, 1973 &mdash; Section 154, 154(1), 155, 155(2), 156, 156(1), 157, 161, 162, 164, 167(2), 169, 170, 173, 173(2), 173(8), 190, 200, 482
- Indian Penal Code, 1860 &mdash; Section 120B, 153A, 295A, 307, 326, 386, 420, 467, 468, 504, 506
- Uttar Pradesh Prohibition Of Unlawful Conversion Of Religion Act, 2021 &mdash; Section 3, 3(1), 3(2), 4, 5, 5(1), 6, 7, 9, 10, 11, 12, 13, 14, 15

**Hon'ble Judges:** J.B. Pardiwala, J; Manoj Misra, J

**Bench:** Division Bench

**Advocate:** Payoshi Roy, Siddhartha, S. Prabu Ramasubramanian, Bharathimohan M., Bharathimohan M, V. Swetha, V. Swetha, Vairawan A.s, Vikash Chandra Shukla, Aishvary Vikram, Lakshya Siddheshwar Pandey, Isha Barshiliya, Mukta Gupta, Manish Gandhi, Dhiraj Abraham Philip, Febin Mathew Varghese, Nitya Gupta, Namrata Mohapatra, Achalika Ahuja, Siddhartha Dave, Jemtiben A.o, Pallavi Sharma, Rebecca M. John, Siddharth Agarwal, C.u. Singh, Sanbha Rumnong, M.f. Philip, M. F. Philip, Lija Merin John, Purnima Krishna, Karamveer Singh Yadav, Togin M. Babichen, R. Venkataramani, Adarsh Upadhyay, Divyanshu Sahay, Amit Singh, Aman Pathak, Ajay Prajapati, Ameyavikrama Thanvi, Oorjasvi Goswami, Kartikay Aggarwal, Pallavi Kumari, Shashank Pachauri, Nidhi

**Final Decision:** Allowed

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## Judgement

J.B. Pardiwala, J.

For the convenience of exposition, this judgment is divided into the following parts:

### **INDEX**

A. FACTUAL MATRIX.. 4

B. IMPUGNED JUDGMENTS. 9

C. SUBMISSIONS ON BEHALF OF THE PETITIONERS. 12

D. SUBMISSIONS ON BEHALF OF THE STATE OF UTTAR PRADESH.. 15

E. ISSUES FOR CONSIDERATION.. 17

F. ANALYSIS. 17

i. Scheme of the U.P. Conversion Act 18

ii. Principles governing the quashing of criminal proceedings. 25

iii. Whether an FIR can be quashed after the filing of chargesheet?. 31

iv. Whether criminal proceedings can be quashed by this Court in exercise of its powers under Article 32? 33

v. Whether multiple FIRs pertaining to the same alleged offence are maintainable?. 36

vi. Whether the FIR No. 224/2022, having been lodged at the instance of a complainant other than a person prescribed under the unamended Section 4 of the U.P. Conversion Act, is liable to be quashed on that ground alone? 40

vii. Whether FIR No. 47/2023 and the consequential proceedings arising therefrom are liable to be quashed? 59

viii. Whether FIR Nos. 55/23 and 60/23 respectively are hit by the principle laid down in T.T. Antony (supra) and are thus liable to be quashed?. 60

ix. Whether the High Court committed any error in refusing to quash FIR No. 54/2023?. 61

x. Whether FIR No. 538/2023 is liable to be quashed?. 63

G. CONCLUSION.. 64

1. Leave granted in SLP(CrI) Nos. 7233-7235/2023, SLP(CrI) No. 7380/2023, SLP(CrI) No. 10187/2023, SLP(CrI) No. 13679/2023, SLP(CrI) Nos. 13231-13232/2023, SLP(CrI) Nos. 15251-15254/2023, SLP(CrI) No. 3818/2023 & SLP(CrI) No. 10555/2024.

2. The present batch of matters, consisting of three Writ Petitions and nine captioned Appeals arising out of Special Leave Petitions, concerns six FIRs filed under various provisions of the Penal Code, 1860 (for short, "the IPC") and the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (for short, "the U.P. Conversion Act") respectively. The details of the FIRs, which are at the heart of the dispute before us, are tabulated below for the sake of convenience:

5.	60/2023	24.01.2023	Kotwali, District Fatehpur	Section(s) 420, 467, 468, 506, 120-B of IPC and Section 3 r/w 5(1) of the U.P. Conversion Act
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3. The captioned Appeals arising out of Special Leave Petitions comprising the present batch of matters arise from seven different impugned judgments and orders passed by the High Court of Judicature at Allahabad, the details of which are tabulated below:

3.	SLP (CrI) No. 13679/2023	60/2023	Criminal Misc. Writ Petition No. 2360/2023 seeking quashing of FIR No. 60/2023 dated 24.01.2023 - dismissed <b>vide</b> impugned common judgment and order dated 02.06.2023.
5.			
6.	SLP(CrI.) No. 15251- 15254/2023	60/2023	Criminal Misc. Writ Petition Nos. 13610, 13566, 13597 & 13577 of 2023 seeking quashing of FIR No. 54/2023 & 55/2023 dated 23.01.2023 and FIR No. 60/2023 dated 24.01.2023 - dismissed <b>vide</b> impugned common judgment and order dated 28.08.2023.
9.	SLP (CrI.) No. 8615/2024	538/2023	Application u/s 482 No. 13099/2024 seeking quashing of entire proceedings arising out of FIR No. 538/2023 dated 11.12.2023 - dismissed vide judgment and order dated 29.04.2024.

4. Besides the Appeals arising out of the Special Leave Petitions, the present batch also comprises of three Writ Petitions filed under Article 32 of the Constitution, the details of which, and the prayers sought therein are tabulated below:

S. No.	Details of the Writ Petition	FIR No.	Prayer
1.	W.P.(CrI.) No. 23/2023	224/2022, 47/2023, 54/2023, 55/2023, 60/2023	<p>1. Issue a writ of habeas corpus directing the State of U.P. to produce before this Court the Petitioners and their family members and other employees of the University.</p> <p>2. Issue a writ of mandamus directing the State of U.P. to provide adequate safety and security to the Petitioners and their family members and other employees of the University.</p> <p>3. Issue a writ of mandamus to the effect that no cognizance of any complaint would be taken by any court, nor any FIR registered by the police on the cause of action in the present Writ Petition.</p>
2.	W.P. (CrI.) No. 141/2023	224/2022, 47/2023, 54/2023, 55/2023, 60/2023	<p>1. Issue a writ of habeas corpus directing the State of U.P. to produce before this Court the Petitioners and their family members and other employees of the University.</p> <p>2. Issue a writ of mandamus directing the State of U.P. to provide adequate safety and security to the Petitioners and their family members and other employees of the University.</p> <p>3. Issue a writ of mandamus to the effect that no cognizance of any complaint would be taken by any court, nor any FIR registered by the police on the cause of action in the present Writ Petition.</p>

3.	W.P. (Crl.) No. 315/2024	224/2022	i. Quash the FIR No. 224 of 2022 dated 15.4.2022 registered at PS Kotwali, Fatehpur, Uttar Pradesh, under Sections 420, 467, 468, 506, 120-B of the Indian Penal Code, 1860 and Sections 3 and 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021.
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5. The W.P. (Crl.) No. 123/2023, which is the main matter, has been filed, inter alia, praying for the quashing of FIR Nos. 224/2022, 47/2023, 54/2023, 55/2023, and 60/2023 respectively. The same set of the FIRs is also under challenge in the W.P. (Crl.) 141/2023. Additionally, the W.P. (Crl.) 315/2024 has also been filed seeking the quashing of FIR No. 224/2022. Pertinently, quashing of FIR Nos. 224/2022 and 47/2023 respectively have been prayed for by the Petitioners before this Court invoking Article 32 of the Constitution and are not a subject matter of any of the SLPs under consideration in the present batch.

6. Before advertng to the rival submissions canvassed on either side, we deem it appropriate to refer to the contents of the aforesaid FIRs and the consequential proceedings that have followed their institution.

#### **A. FACTUAL MATRIX**

7. FIR No. 224/2022 came to be registered on 15.04.2022 with the PS Kotwali, District Fatehpur, on the basis of a written complaint filed by one Himanshu Dixit, the Vice President of an organisation named the Vishwa Hindu Parishad, for the offence punishable under Section(s) 153-A, 506, 420, 467 and 468 of the IPC respectively and Section(s) 3 and 5(1) of the U.P. Conversion Act respectively, against 35 named and 20 unknown accused persons. The FIR pertains to an alleged event of mass religious conversion which, according to the complaint, allegedly took place at the Evangelical Church of India, Hariharganj, Fatehpur on 14.04.2022, which happened to be "Maundy Thursday", a day of religious significance for the followers of Christ. Shorn of unnecessary details, the FIR reads thus:

**"To the SHO, Kotwali Sadar, Fatehpur, Sir, It has been requested that today, dated 14.04.2022, we have to inform about the work of forcibly converting innocent Hindus from Hindu religion to Christianity at their Evangelical Church of India located in Hariharganj with deceit and fraud was going in full swing. Whose information was given by the people of the locality to the Hindu organizations. After getting the information, Himanshu Dixit, co-minister of Vishva Hindu Parishad, along with all the workers of his organization reached the spot at above church. Then the work of conversion was going on there. After reaching on to the spot, I, Himanshu Dixit informed the administrative officials about this religion conversion and requested them to come to the spot. When the administrative officers reached at the spot, they questioned the Father of the Church, Vijay Masih, so the Father of the Church Vijay Masih in the context of this episode of conversion replied by accepting that we are converting Hindus into Christianity by cheating and threatening by getting them change their names in documents in tampering with editing in their**

names in documents. The process of conversion is going on for the last 34 days in which all people belonging to the Hindu religion are invited. This conversion work process is completed in 40 days. We are trying to convert the patients who have come from Mission Hospital too to get converted. All the employees of Mission Hospital play an important role in this work. Today, dated 14.04.2022, the names of the people who were brought for conversion are in presence of the administration are [...] and along with them about 20 people were converting about 90 Hindu people. As soon as the above mentioned people got the information about the arrival of Hindu organizations and administration, then the above mentioned Hindu religion people were quietly removed from the back door. Therefore, it has been requested to kindly take necessary action by registering a case FIR against the said accused under the relevant sections as on the basis of the complaint.

**Signature Hindi Himanshu Dixit**

**Applicant Himansh Dixit s/o Shivkant Dixit (Co-Minister Vishva Hindu Parishad)  
R/o Chowk Police Station Kotwali District Fatehpur [...]"**

8. A plain reading of the aforesaid indicates that it is the case of the complainant that the accused persons were found engaged in the ceremony of religious conversion of around 90 persons belonging to the Hindu community at the Evangelical Church of India located in the Fatehpur district by the alleged use of force, cheating, fraud and coercion. It is not the case of the complainant that he was also converted by use of such alleged deceitful and fraudulent means by the accused persons. His role was that of a whistleblower who provided the information of the alleged incident to the police authorities. We have thought fit to give the particulars of the complainant as the same would be vital in deciding the legality and validity of FIR No. 224/2022 in light of the unamended Section 4 of the U.P. Conversion Act, as we shall discuss shortly hereinafter.

9. While the investigation of the aforesaid FIR was in progress, FIR No. 47/2023 came to be lodged on 20.01.2023 at the PS Kotwali, District Fatehpur for the offence punishable under Section(s) 3 and 5(1) of the U.P. Conversion Act respectively against 10 named and around 40-50 unnamed accused at the instance of one Sarvendra Vikram Singh who alleged in the said FIR that during his visit to the district Fatehpur for some personal work, he was allured into embracing Christianity by the accused persons. He alleged that he was offered cash, a job with a university and marriage with a beautiful girl. One of the accused who extended such offer was the Vice-Chancellor of the university, who is also Petitioner No. 1 in W.P. No. 123 of 2023. The complainant further alleged that having been allured by the offer made by the accused persons, he converted himself and embraced Christianity on

25.12.2021 at the Presbyterian Church, Deviganj, Fatehpur. The complainant further stated in his complaint that with the passage of time, he realized his mistake and returned back to profess Hindu religion. The contents of FIR No. 47/2023 are reproduced hereinbelow:

**“To, the Incharge Inspector, Police Station Kotwali, District Fatehpur. Sir, it is respectfully submitted that I the applicant Sarvendra Vikram Singh S/o Late Sh. Surendra Bahadur Singh is a resident of Village & Post Bahauddinpur Police Station Gasain Ganj Janpath Sultanpur. The applicant in relation to personal work had come to Janpath Fatehpur where the applicant met with Ram Chandra S/o Shiv Raj R/o Sutarhi Khaga Fatehpur. When I had inquired about the work to which Ram Chandra had persuaded saying to quit your Hindu religion and adopt Christianity and for which you do not have to do anything and we and our institution will give you cash and your entire family will get free medical treatment and you will be provided job in our institution SHUATS University Naini, Prayagraj and your marriage will be solemnized with a beautiful girl. I got trapped through allurement by the above Ram Chandra. Then Ram Chandra brought me with him to Indian Presbyterian Church Devi Ganj and where he introduced me with the Pastor of the Church. Then both the persons for the sake of religious conversion while again alluring had assured of providing cash and gifts from time to time and took me to their Main Institution SHUATS University, Naini, Prayagraj and where I was introduced with R.B. Lal (Vice Chancellor), Vinod B. Lal, Ajay Laurance, Ramakant, Jonathon Lal, S.B. Lal, Stephen Pas, Derrek Denis etc. 40 to 50 people who had allured me of providing with cash, job in SHUATS and marriage with a beautiful girl upon quitting Hindu religion and adopting Christianity and Ajay Laurance gave me cash Rs. 15000/- and R.B. Lal told that there is a lot of funds with our institution and further in need even more cash will be given to you. Then alongwith Ram Chandra and Pastor I had returned back to Church Devi Ganj and converted my religion and became Christian. It was told by Ram Chandra and the Pastor that now you are a Christian and now you persuade your friends, relatives and villagers for adopting Christianity and you will be paid Rs. 20000/- in lieu of conversion of each person to Christianity. Our institution is having a lot of funds. This institution gets foreign funds for the said purpose of religious conversion. You will have no deficiency of money in your life. Sometime later my conscience started condemning me and then I again returned back to my Hindu religion. I was very scared. When through newspapers and social media I came to know about a fair investigation being carried out by the Fatehpur Police then daringly I have appeared and informing before you. The said incident pertains to dated 25 December, 2021. Therefore it is requested before you to kindly register my report and to take appropriate legal action. Signature applicant Sarvendra Vikram Singh R/o Village & Post Bahauddinpur PS Gosain Ganj Janpad Sultanpur [...]**”

10. Three days after FIR No. 47/2023 was lodged, and while the investigation in FIR No. 224/2022 was still underway, one another FIR being FIR No. 54/2023 came to be lodged at the PS Kotwali, District Fatehpur, at the instance of one Virendra Kumar against 47 named and 20 unknown persons on 23.01.2023. The allegation levelled in the FIR was that the first informant, much like the one in FIR No. 47/2023, along with around 90 more Hindu persons, was allured into embracing Christianity by the accused persons during an event organised at the Evangelical Church of India, Fatehpur on 14.04.2022. He further alleged that after the mass conversion took place, his Aadhar card was taken away by the accused persons and his name was changed to Virendra D'Souza. He also alleged that the accused persons threatened to kill him if he would dare to report about the conversion anywhere. The contents of FIR No. 54 of 2023, shorn of unnecessary details, are extracted hereinbelow:

**"To, the Incharge Inspector, Police Station Kotwali, District Fatehpur. Sir, it is respectfully submitted that the applicant Virendra Kumar S/o Dinesh Chandra is a resident of Fatehpur. Applicant on the date of occurrence was present alongwith around 80-90 people in Evengelical Church of India located at Harihar Ganj. Applicant in January, 2022 met with ANM Lilly C who is connected with Mission Hospital. On 14.04.2022, the applicant alongwith other Hindus about 80-90 in numbers present in Evengelical Church of India where Pastor Vijay Masih and other Christian persons wherein Lilly C and Manager of World Vision of India S.D. Rao along with [...]alongwith around 20 unknown persons and it was allured by the above persons with the assurances that upon converting to Christianity our institution would provide you with free education, medical treatment & job to family members and providing beautiful male/female alliances for marriage of children in the family and for giving gifts from time to time and alluring for giving cash our mass religious conversion was carried out. Pastor Vijay Masih and others had carried out our religious conversion and it was disclosed by the Pastor Vijay Masih and other above persons involved in religious conversion present there that the funds and gifts etc. those are disbursed for religious conversion are being arranged by Mathew Samuel, Trustee of Broadwell Hospital & Mister Bishop and the same is aided by SD Rao, Manager of the World Vision India. The said persons were introduced by Pastor Vijay Masih an year ago near the Church and on the date of occurrence, it was assured by Pastor and other persons that the person who were introduced to you an year ago will make arrangements and fulfill all your requirements of gifts, cash and other requirements. The funds those are received from abroad which these persons use for the purpose of disbursing to the person accepting religious conversion. On the date of incident, Josh Prakash was also present in the Church and he had disclosed to me and other persons that he is the Mission Head of Fatehpur U.P. His office is situated inside the Mission Hospital itself. Now you people will be made to bathe in the Yesu Darbar situated inside the University Campus of Agricultural University**

(SHUATS) Naini Prayagraj where the Lord Yesu will sanctify your body. Mission U.P. will provide you all with grains, clothes, employment, education, cash for business. Now you people disseminate for mission U.P. such that every person in U.P. is a disciple of Lord Yesu and converts to Christianity and Hindu Religion with all other religions are merely hypocrisy and false. By becoming promotion agent of mission U.P. to visit rural areas and by contacting to persuade people to accept Christianity and they will get immense facilities, contact pregnant women and allure them with free medical treatment and we will provide all these facilities from Mission Hospital and induce them to convert to Christianity and for which you will be rewarded with cash. We are funded from different countries for the said purpose. Pastor Vijay Masih, ANM Lilly C and SD Rao, Manager of World Vision India and the aforesaid persons taking my original adhaar card and by tampering therein had modified with my Christian name as Virendra D'souza and told that your adhaar card will be returned back later on and from today onwards your religion has been converted and now you are no more a Hindu. Now you will not follow Hindu religion and in between if you even think of restoring to Hindu religion then Lord Yesu getting annoyed with you shall destroy your entire family and me and other persons in the name of religion were put into fear to such an extent that we could not dare to come for complaining at that time. Apart from which they had also threatened that if you dare to complain anywhere consequent to which the supporters of Christianity and people whom we have converted to Christianity and the Christians will kill you and your entire family. Applicant is a poor man who out of fear remained silent. Today the applicant has somehow appeared before you for giving information. Therefore it is quite necessary for registering the report of the applicant. Therefore it is humbly requested before you to kindly register my report against the aforesaid persons thereby take appropriate legal action. Applicant Virendra Kumar S/o Dinesh Chandra R/o Harihar Ganj Nappi Ka Hata Fatehpur. [...]"

11. Merely seven minutes after the aforesaid FIR was registered, one another FIR, i.e., FIR No. 55/2023 came to be lodged against 47 named and 20 unnamed persons at the very same police station referred to above, at the instance of one Sanjay Singh under the very same provisions of the IPC and the U.P. Conversion Act respectively. In the said FIR too, the first informant alleged conversion by means of allurement at the alleged event dated 14.04.2022 and the allegations in both the FIRs are virtual reproductions of each other, except for the change in the personal particulars of the first informant. The contents of FIR No. 55 of 2023, devoid of unnecessary details are extracted hereinbelow:

**"To, the Incharge Inspector, Police Station Kotwali, District Fatehpur. Sir, it is respectfully submitted that the applicant Sanjay Singh S/o Rajendra Singh is a resident of Colony Hariharganj, Fatehpur, U.P.- 212601. Applicant on the day of incident was present with around 80-90 persons inside Evengelical Church of**



India at Hariharganj. During January, 2022 the applicant met with ANM Lilly C employed in Primary Health Centre, Bhitaura Fatehpur who is also connected with Mission Hospital. S.D. Rao the Manager of World Vision of India had also met, who also persuaded and induced saying that the God had sent him to us to inform you to quit Hindu religion and accept Christianity and our institution will provide you with gifts, cash, employment, education to children in Trust Mission School Avanti Bai Chauraha & Saint Marry School, Jail Road, free medical facilities in Mission Hospital and Higher Education will be given in Agricultural University SHUATS, Naini Prayagraj and will also keep receiving cash. On 14.04.2022, the applicant alongwith other Hindus about 80-90 in numbers present in Evengelical Church of India were introduced with [...] and other Christian persons wherein Lilly C and Manager of World Vision of India S.D. Rao along with [...] around 20 unknown persons and it was allured by the above persons with the assurances that upon converting to Christianity our institution would provide you with free education, medical treatment & job to family members and providing beautiful male/female alliances for marriage of children in the family and for giving gifts from time to time and alluring for giving cash our mass religious conversion was carried out. Pastor Vijay Masih and others had carried out our religious conversion and it was disclosed by the Pastor Vijay Masih and other above persons involved in religious conversion present there that the funds and gifts etc. those are disbursed for religious conversion are being arranged by Mathew Samuel, Trustee of Broadwell Hospital & Mister Bishop and the same is aided by SD Rao, Manager of the World Vision India. The said persons were introduced by Pastor Vijay Masih an year ago near the Church and on the date of occurrence, it was assured by Pastor and other persons that the person who were introduced to you an year ago will make arrangements and fulfill all your requirements of gifts, cash and other requirements. The funds those are received from abroad or other places, institutions and people which these persons use for the purpose of religious conversion. On the date of incident, Josh Prakash was also present in the Church and he had disclosed to me and other persons that he is the Mission Head of Fatehpur U.P. His office is situated inside the Mission Hospital itself by the name of Community Health Centre. Today the Pastor Vijay Masih has completed the entire process of 40 days of your conversion from Hindu religion to Christianity and now you have completely converted to Christianity. Now you people will be made to bathe in the Yeshu Darbar situated inside the University Campus of Agricultural University (SHUATS) Naini Prayagraj where the Lord Yeshu will sanctify your body. Mission U.P. will provide you with the grains, clothes, employment, education & cash for business. Now you people disseminate for mission U.P. such that every person in U.P. is a disciple of Lord Yeshu and converts to Christianity and Hindu Religion with all other religions are merely hypocrisy and false. By becoming promotion agent of mission U.P. to visit rural areas and by contacting to persuade people to accept Christianity

and they will get immense facilities, contact pregnant women and allure them with free medical treatment and we will provide all these facilities from Mission Hospital and induce them to convert to Christianity and for which you will be rewarded with cash. We are funded from different countries for the said purpose. Pastor Vijay Masih, ANM Lilly C and SD Rao, Manager of World Vision India and the aforesaid persons taking my original adhaar card and by tampering therein had modified with my Christian name as Sanjay Albert Francis and told that both your adhaar cards are in our custody and from today onwards you will perform prayers as per Christianity and your religion has been converted from today onwards and now you are no more a Hindu. Now you will not follow Hindu religion and in between if you even think of restoring to Hindu religion then Lord Yesu getting annoyed with you shall destroy your entire family and me and other persons in the name of religion were put into fear to such an extent that we could not dare to come for complaining at that time. Apart from which they had also threatened that if you dare to complain anywhere consequent to which the supporters of Christianity and people whom we have converted to Christianity and the Christians will kill you and your entire family. Applicant is a poor man who out of fear remained silent. Later on I understood that by threatening and alluring the Hindus they are forced to quit Hindu religion and convert to Christianity. We want to remain in our Hindu religion. I was forced to convert to Christianity through allurement and coercion and it was also disclosed by the said persons that Christian Institutions provide huge funds for the sake of religious conversion and if required, monetary aid will also be extended to you in the form of cash. I had disclosed the said fact before the Inspector also. On the day of incident, people of Hindu Organization had reached on the spot while religious conversion was being carried out and those people had opposed the religious conversion and had also informed the Police. Sir, I have appeared for giving information that kindly register my report against the aforesaid persons thereby take appropriate legal action. Date-23.01.2023 Applicant Signature Hindi Sanjay Singh Sanjay Singh S/o Rajendra Singh R/o Harihar Colony, Police Station Kotwali Janpad Fatehpur.”

12. One another FIR, i.e., FIR No. 60/2023, came to be lodged for the very same offences and at the very same police station at the instance of one Satyapal against 47 named and 20 unnamed accused persons. The allegations in this FIR are also virtually a reproduction of the allegations made in FIR Nos. 54/2023 and 55/2023 respectively except for the change in the particulars of the first informant. We are not reproducing the contents of the same for the sake of brevity.

13. Besides the aforementioned FIRs, one another FIR being FIR No. 538/2023 is also the subject matter of consideration in the present batch, the validity of the same and the proceedings arising therefrom being a subject matter of challenge in the SLP (Crl.) No. 8615/2024. The said FIR was lodged at the PS Nawabganj, District

Prayagraj on 11.12.2023 at the instance of one Sanjeev Kumar against the Petitioner in the SLP (Crl.) No. 8615/2024 and a few unknown persons. The allegations in the said FIR were that on 10.12.2023, when the complainant along with his friend, was on his way to a village for some work, he was stopped by the accused persons, who used abusive language against him and also fired a shot at him with the intention to kill him. He further alleged that the accused also demanded Rs. 1 lakh from him failing which the accused threatened to kill him. The complainant also alleged that the accused person was engaged in performing illegal conversion of Hindus to Christianity by giving them the allurements of curing diseases like cancer, etc.

14. The aforesaid factual discussion would indicate that three distinct incidents have been alleged which form the subject matter of the FIRs under challenge in the present batch of petitions:

a. The incident dated 14.04.2022, alleged to have taken place at the Evangelical Church of India, Fatehpur, wherein alleged mass religious conversion of around 90 Hindus to Christianity took place. The FIR Nos. 224/2022, 54/2023, 55/2023 and 60/2023 respectively pertain to this incident. Out of these four FIRs - FIR Nos. 54, 55 and 60 respectively were lodged at the instance of the first informants who claim to be the victims of the alleged conversion, whereas FIR No. 224/2022 came to be lodged at the instance of a person who was not a victim of the said conversion, but was rather the leader of an organisation.

b. The incident dated 25.12.2021, which took place at the Presbyterian Church, Deviganj, Fatehpur, wherein the first informant in FIR No. 47/2023 was alleged to have been illegally converted from Hinduism to Christianity.

c. The incident dated 10.12.2023 which forms the subject matter of FIR No. 538/2023.

15. Aggrieved by the registration of FIR Nos. 54/2023, 55/2023 and 60/2023 respectively, a number of writ petitions came to be filed before the High Court seeking quashing of the said FIRs. Further, an application under Section 482 of the CrPC was also filed before the High Court for quashing of FIR No. 538/2024 and the consequential proceedings arising therefrom. However, the High Court declined to entertain the petitions and dismissed the same vide the impugned judgments, which we deem appropriate to briefly discuss before proceeding further.

16. It is noteworthy that as on date, the investigation is complete in all the aforesaid FIRs and chargesheets have been filed before the concerned jurisdictional courts. However, for the convenience of exposition, we shall advert to the details and contents of the chargesheet and case diary while dealing with the individual FIRs in the later parts of this judgment.

## **B. IMPUGNED JUDGMENTS**

17. The Criminal Appeals arising out of SLP (Crl.) No. 7380/2023, SLP (Crl.) No. 13679/2023 and SLP (Crl.) No. 7233/2023 respectively arise from the impugned common judgment and order dated 02.06.2023 passed by the High Court in a batch of five petitions. The appellants in Criminal Appeal arising out of SLP (Crl.) No. 7380/2023 were the Petitioners in the Criminal Misc. Writ Petition No. 1819 of 2023 before the High Court and had prayed for the quashing of FIR No. 55/2023. The appellant(s) in Criminal Appeal arising out of SLP (Crl.) No. 13679/2023 were the Petitioners in the Criminal Misc. Writ Petition No. 2360 of 2023 before the High Court and were seeking quashing of FIR No. 60/2023. Lastly, the appellant in Criminal Appeal arising out of SLP (Crl.) No. 7233/2023 was the Petitioner in the Criminal Misc. Writ Petition Nos. 1991 of 2023, 1994 of 2023 and 1998 of 2023 respectively before the High Court and was seeking the quashing of FIR Nos. 55/2023, 60/2023 and 54/2023 respectively.

18. The High Court, in its impugned judgment dated 02.06.2023 has noted that the quashing of the FIRs as prayed for in the batch of writ petitions was primarily on the ground that the FIRs were registered at a highly belated stage, the alleged incident having taken place more than a year prior to the registration of the FIR. The Petitioners before the High Court further contended that the said FIRs were not the first in point of time in relation to the alleged incident since FIR No. 224/2022 had already been registered pertaining to the very same alleged incident. Thus, the contention of the Petitioners before the High Court was that the FIRs being repetitive, they were liable to be quashed. The contentions raised on behalf of the Petitioners therein were met by the State by submitting that similar petitions challenging FIR No. 55/2023 had already been dismissed by a coordinate bench of the High Court after taking the view that the FIR disclosed commission of cognizable offences.

19. The High Court, referring to the order passed by a coordinate bench in the Criminal Misc. Writ Petition No. 1814 of 2023, wherein the challenge to FIR No. 54/2023 was negatived, observed that FIR No. 224/2022, having been registered at the instance of a person not competent to lodge an FIR under the unamended Section 4 of the U.P. Conversion Act, would amount to an invalid FIR in the eyes of law and therefore the subsequent FIRs registered pertaining to the very same alleged incident, would not be hit by the dictum as laid in **T.T. Antony v. State of Kerala**, reported in (2001) 6 SCC 181, as the same would not amount to a second FIR in relation to the same alleged incident. In light of such reasoning, the High Court dismissed the Writ Petition of the appellants herein.

20. The Criminal Appeal arising out of the SLP (Crl.) 10187/2023 arises from the impugned judgment dated 05.07.2023 passed by the High Court in the Criminal Misc. Writ Petition No. 5180/2023, wherein the challenge to FIR No. 60/2023 came to be rejected by the High Court on the ground that a coordinate bench had already declined to quash the FIR in question.

21. The Criminal Appeal arising out of the SLP (Crl.) No. 13231/2023 arises from the impugned judgment dated 04.08.2023 passed in the Criminal Misc. Writ Petition No. 12146 of 2023 by the High Court wherein FIR No. 54/2023 was challenged inter alia on the ground that the said FIR could not be said to be the first FIR in relation to the alleged offence and hence was liable to be quashed. However, the High Court declined to quash FIR adopting the same line of reasoning as was adopted in the judgment dated 02.06.2023 impugned in the SLP(Crl.) 7380/2023.

22. The appellant(s) in the Criminal Appeal arising out of the SLP (Crl.) No. 15251/2023 were the Petitioners in a batch of writ petitions, i.e., the Criminal Misc. Writ Petition Nos. 13610 of 2023, 13566 of 2023, 13597 of 2023 and 13577 of 2023 respectively before the High Court and were seeking to get FIR No. 60/2023 quashed. However, the High Court declined to quash the said FIR on the ground that the allegations levelled in the said FIR clearly disclosed the commission of a cognizable offence, and further the case put up by the Petitioners was in the form of their defence which could not have been gone into at the stage of seeking quashing of the FIR. The High Court also observed that the crime as alleged was serious in nature and that the petitions of few other co-accused had already been dismissed and therefore the petitions preferred by the appellant(s) herein also deserved to be dismissed.

23. The appellant(s) before us in Criminal Appeal arising out of the SLP (Crl.) No. 3818/2023 were the Petitioners in the Criminal Misc. Writ Petition No. 1814 of 2023 before the High Court and had questioned the validity of FIR No. 54/2023. The High Court, in its impugned judgment dated 17.02.2023 observed that the only issue which required determination was whether the said FIR was covered by the dictum as laid by this Court in **T.T. Antony (supra)**. The High Court observed that insofar as the contents of FIR No. 224/2022 and 54/2023 respectively were concerned, both had striking similarities and could be said to have been covered by the decision in **T.T. Antony (supra)** had Section 4 of the U.P. Conversion Act not provided for the registration of the FIR only on the basis of a complaint made by a certain specific class of persons. The High Court held that in view of Section 4 of the U.P. Conversion Act, FIR No. 224/2022 could not be said to be a validly registered FIR and thus, FIR No. 54/2023 would have to be treated as the first FIR pertaining to the alleged incident forming the subject matter of FIR No. 224/2022. In lieu of such reasoning, the High Court refused to entertain the petition. The relevant observations made by the High Court are reproduced hereinbelow:

**“The only material difference in the two first information reports is that the first was lodged by an office bearer of the Vishwa Hindu Parishad while the impugned first information report has been lodged by one Virendra Kumar, who underwent religion conversion allegedly on account of fraud, misrepresentation, coercion and inducements. The issue therefore for consideration is whether on account of the aforementioned difference, the first**

information report impugned in this writ petition goes out of purview of the ratio in the T.T. Anthony's case. The offence alleged in both FIRs is one under Section 3 of the U.P. Prohibition of Religions Conversion Act, which prohibits conversion of religion as also its attempt by traced misrepresentation, force, undue influence, and/or allurement, as also its abatement and conspiracy.

xxx xxx xxx

The impugned first information report apart from sections of the Penal Code, 1860 invokes also Section 3/5(1) of the Act. In so far as the material allegations in the first information report are concerned, they pertain to the same mass conversion ceremony of the same date. Therefore, there is no substantial difference in so far as the allegations in the two first information reports are concerned and if this aspect alone is taken into account, the matter at hand is covered by the ratio in the case of T.T. Anthony's. However, the situation is confounded by Section 4 of the Act, which reads as follows -

"4. Person competent to lodge First Information Report, -Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption may lodge a first information report of such conversion which contravenes the provisions of Section 3."

It is this provision, which has been relied upon by Shri Manish Goel, learned Additional Advocate General. His argument therefore is that it is the second first information report, which is by the victim is in fact the competent first information report. Therefore, by implication therefore, it has been submitted that the first information report lodged by an office bearer of the Vishwa Hindu Parishad is not a competent first information report and therefore, the impugned first information report is not contrary or is not barred by the judgment in the case of T.T. Anthony.

If the argument of Shri Manish Goel is accepted, the first information report dated 15.04.2022 is manifestly incompetent. However, that first information report is not subject matter of this writ petition.

The embargo under Section 4 as to who can lodge a first information report regarding an offence under Section 3 of the Act is absolute. The impugned first information report has been lodged by the person, who claims to be a victim of conversion obtained by mis-representation, coercion and allurement and as per Section 4I is the person competent to lodge the first information report.

Section 5(1), which has also been invoked only provides the punishment for an offence under Section 3 of the Act. Therefore, it has to be held that the first information report impugned in the instant writ petition is by a competent person and contains ingredients of a cognizable offence.

**The various categories of person enumerated in Section 4, who are competent to lodge the first information report are any aggrieved person. The words “any aggrieved person” at the very start of the said section can be interpreted to mean any person, especially since there is no provision under the I.P.C. or Cr. P.C., which bars or prohibits any person from lodging a first information report regarding cognizable offence. However, the words “any aggrieved person” in our considered opinion is qualified by the subsequent categories and the words his, her parents, brother, sisters or blood relations by marriage and adoption included. Therefore, the words “any aggrieved person”, if taken by themselves are extremely wide. The scope of the said term is completely whittled down by subsequent categories and therefore, it has to be said that any aggrieved person would be a person but is personally aggrieved by his or her fraudulent conversion be it an individual or in a mass conversion ceremony. Any interpretation to the contrary would render the remainder of Section 4 after the words “any aggrieved person” wholly redundant and also render the Section itself completely meaningless.**

**Under the said circumstances, we are constrained to rule that the first information report dated 15.04.2022 was not lodged by a competent person. Since, the first information report dated 15.04.2022 had not been lodged by a person competent to lodge it, it is of no consequence. For the same reason, the impugned first information report cannot be called a second first information report. It the refore, cannot be said that there are two separate first information reports of the same incident. The case at hand therefore, is not covered by the ratio in K.K. Anthony (supra).**

**It has already been observed in the earlier part of this order that the allegations in the first information report impugned, contain ingredients of a cognizable offence. Therefore, also the impugned first information report is not liable to be quashed.”**

24. The Criminal Appeal arising out of SLP (Crl.) No. 10555/2024 arises from the impugned judgment dated 17.02.2023 passed by the High Court in the Criminal Misc. Writ Petition No. 2375 of 2023 wherein the appellant before us had sought quashing of FIR No. 55/2023 on the ground that being a music teacher, he was merely performing as a professional at the place of the alleged incident and as such had no role to play in the commission of the alleged offences. However, the High Court dismissed the petition on the ground that the prima facie reading of the FIR disclosed serious allegations of widespread consequences on the society which required thorough investigation including the possibility of requirement for custodial interrogation.

25. Finally, the SLP (Crl.) No. 8615 of 2024 arises from the impugned judgment dated 29.04.2024 passed by the High Court in the Misc. Application No. 13099 of 2024 by which the application of the Petitioner filed under Section 482 of the Cr. P.C. seeking to quash the entire proceedings of the S.T. No. 905/2024 arising out of FIR No. 538/2023 registered under Sections 307, 504, 386 of the IPC respectively and Sections 3 and 5(1) of the UP Conversion Act respectively was dismissed on the ground that a prima facie case was made out against the Petitioner from a bare reading of the FIR and thus the guidelines laid down by this Court in a catena of decisions did not permit the quashing of proceedings against the Petitioner.

### **C. SUBMISSIONS ON BEHALF OF THE PETITIONERS**

26. Mr. Siddharth Dave, the learned Senior Counsel, appearing on behalf of the Petitioners in W.P. (Crl.) No. 123/2023 made the following submissions:

a. A plain reading of the FIR fails to disclose any cognizable offence. He submitted that neither the Petitioners were named in FIR No. 224/2022, which is the first FIR lodged in respect of the alleged incident dated 14.04.2022, nor was it alleged that they were present at the place of the alleged incident.

b. The subsequent FIRs, i.e., FIR Nos. 54/2023, 55/2023 and 60/2023 respectively were registered for the very same incident for which FIR No. 224/2022 had already been lodged, however, there was a delay of more than nine months in the registration of the subsequent FIRs. Further, the subsequent FIRs pertaining to the very same alleged incident of conversion are hit by the dictum laid by this Court in **T.T. Antony (supra)** and **Babubhai v. State of Gujarat & Ors**, reported in (2010) 12 SCC 254 respectively.

c. Although FIR No. 47/2023 pertains to the incident dated 25.12.2021, having been lodged after an inordinate delay of 1 year 27 days, yet the same is also liable to be quashed in lieu of the principles laid down in **Mohammad Wajid v. State of U.P. & Ors**, reported in 2023 SCC OnLine SC 951.

d. The offences under Sections 153A, 506 and 120-B of the IPC respectively cannot be said to be made out against the Petitioners who were not present at the place of incident and there is no evidence, direct or circumstantial, to establish that a conspiracy was hatched by the Petitioners and the other accused persons to commit the alleged offences.

e. Section 4 of the unamended U.P. Conversion Act mandates that only the specified classes of persons can file an FIR under the U.P. Conversion Act. However, as the complainant in FIR No. 224/2022 is not a person falling within one of the specified classes, the FIR fails to meet with the tenor of the law and is liable to be quashed on this ground alone.

f. The High Court of Allahabad has held in **Jose Papachen v. State of Uttar Pradesh**, reported in 2023 SCC OnLine All 804 that the scope of the term "any



aggrieved person” appearing in the unamended Section 4 of the U.P. Conversion Act is restricted by the subsequent categories and any interpretation to the contrary would render the provision meaningless.

g. The plenary and residuary powers of this Court under Articles 32, 136 and 142 of the Constitution respectively are broad enough for the purpose of quashing of the criminal proceedings before any court with a view to prevent the abuse of process of law. He placed reliance on the decision in **Delhi Judicial Service Association, Tis Hazari Court, Delhi v. State of Gujarat and Others**, (1991) 4 SCC 406 to fortify his submission.

h. Mass conversion has not been made a distinct offence and there is no precise provision in the U.P. Conversion Act defining mass conversion.

i. The complainant in FIR No. 47/2023 has stated that he reconverted himself to Hinduism and thus as per Section 3(2) of the U.P. Conversion Act, such a person would not be covered by the U.P. Conversion Act once he reconverts to his immediate previous religion.

j. In the last, he submitted that the settled legal position is that the mere filing of the chargesheet does not take away the power of the High Court to quash the entire proceedings emanating from the FIR, and in such circumstances, he prayed for the quashing of FIR Nos. 224/2022, 47/2023, 54/2023, 55/2023 and 60/2023 respectively and all the subsequent proceedings emanating therefrom.

27. Mr. Vairawan A.S. appeared on behalf of the appellant in Criminal Appeals arising out of the SLP (Crl.) No. 13679/2023, the SLP (Crl.) No. 10555/2024 and the Petitioner in W.P. (Crl.) No. 315/2024 respectively and submitted as follows:

a. The case of the appellant/petitioner is different from the other co-accused persons as he is a musician and was just performing at the event in which the alleged conversion took place. Thus, his presence was purely in his professional capacity and in lieu of monetary consideration.

b. No specific role has been attributed to the appellant/petitioner in the FIRs and the chargesheets.

c. The appellant/petitioner professes Hindu religion and even if the allegations in the FIRs and the chargesheets are taken at their face value, no offence is made out against him.

d. This Court in a plethora of its decisions has held that omnibus allegations, in the absence of any specific and active involvement of the accused, are not sufficient to proceed against the person in criminal proceedings.

28. Ms. Mukta Gupta, the learned Senior Counsel appearing on behalf of the appellant in Criminal Appeals arising out of SLP (Crl.) Nos. 7233-7235/2023, submitted as follows:

a. The appellant was not named in the first FIR, i.e., FIR No. 224/2022, however, he was named as an accused in the chargesheet filed after completion of the investigation in the said FIR. Further, he also came to be named as an accused person in the subsequent FIRs filed pertaining to the incident dated 14.04.2022.

b. By placing strong reliance on the decision in Babubhai (supra), she submitted that the subsequent FIRs satisfy the test of sameness as they pertain to the same incident and are thus liable to be quashed.

c. The scheme of Cr. P.C. doesn't allow a subsequent FIR to be registered for the very same incident as only the information earliest in point of time is relevant for the purpose of Section 154 of the Cr. P.C. If there is an attempt to file a second FIR based on the very same incident, the same must be treated as a statement under Section 161 of the Cr. P.C.

d. The subsequent FIRs could be said to have been lodged with the mala fide intention of overcoming the lacunae in the filing of the first FIR, i.e., FIR No. 224/2022, which was lodged on the basis of a complaint made by a person not competent to make the same under the unamended Section 4 of the U.P. Conversion Act.

e. The complainants in FIR Nos. 54 and 55 of 2023 respectively have in their Section 161 police statements recorded during the course of the investigation into FIR No. 224/2022 categorically stated that they had accompanied the complainant in FIR No. 224/2022 on the day of the alleged incident, indicating that the said persons were not victims of alleged illegal conversion but were instead accompanying the complainant in FIR No. 224/2022 to the church on 14.04.2022. The complainants in FIR Nos. 54 and 55 respectively have also stated in their statements recorded on 15.04.2022 that the persons undergoing conversion were stealthily sent back through the back door of the Church, thereby indicating that they themselves were not victims of the alleged conversion.

f. The recording by the Police in the Case Diary dated 14.04.2022 indicates that none of the victims of the alleged conversion were traceable and no incriminating documents were found from the Church, thereby indicating that the complainants in FIR Nos. 54 and 55 respectively, who gave statements under Section 161 were not victims of the alleged incident.

g. Although the complainants in FIR Nos. 54, 55 and 60 of 2023 respectively expressed fear to their lives as the reason for the delay in the lodging of the FIR, yet the same cannot be accepted as credible as all of them gave statements under Section 161 of the CrPC. during the investigation in FIR No. 224/2022.

29. Mr. Siddharth Agarwal, the learned Senior Counsel appearing for the appellant(s) in Criminal Appeal arising out of SLP (Crl.) Nos. 7380/2023 and 15251-15254/2023 respectively, adopted and re-emphasised on the submissions referred to above. He further submitted that the appellant no. 1 in the Criminal Appeals arising out of the SLP (Crl.) Nos. 15251-15254 suffers from a medical condition termed as cerebral palsy and has been issued a 70% disability certificate. Thus, he could not be said to have the mental capability to commit the alleged offence. It was further submitted that the appellant nos. 3 and 4 in the same set of appeals are not practicing Christians, but are followers of the Valmiki Samaj, who were working as sweepers and cleaners at the Church on the date of the alleged incident, i.e., 14.04.2022.

30. Ms. Rebecca John, the learned Senior Counsel appeared for the appellant(s) in Criminal Appeals arising out of SLP (Crl.) Nos. 3818/2023 and 10187/2023 respectively and Mr. C.U. Singh, the learned Senior Counsel, appeared for the appellant(s) in Criminal Appeals arising out of SLP (Crl.) Nos. 13231-13232/2023. Both the learned counsel adopted and re-iterated the legal arguments referred to above on the aspect of impermissibility of multiplicity of the FIRs, illegality of FIR No. 224/2022 for having been lodged by a person incompetent to complain and mala fide nature of criminal proceedings against the Petitioners among others.

#### **D. SUBMISSIONS ON BEHALF OF THE STATE OF UTTAR PRADESH**

31. Shri R. Venkataramani, the learned Attorney General for India, appeared on behalf of the State of Uttar Pradesh and broadly submitted as follows:

a. The Petitioners could not have directly come before this Court seeking the quashing of FIR Nos. 224/2022 and 47/2023 respectively without first approaching the jurisdictional High Court. No exceptional circumstances have been made out to invoke Article 32 and thus, the Writ Petitions seeking the quashing of the said FIRs are not maintainable. He further submitted that even if the Writ Petitions are held to be maintainable, the same should not be entertained in light of the observations of this Court in **Arnab Ranjan Goswami v. Union of India**, reported in (2020) 14 SCC 12.

b. The Petitioners have filed the present writ petitions with the oblique motive to indirectly challenge the vires of the U.P. Conversion Act. However, as per the settled position of law, the vires of a statute cannot be challenged without specific pleadings in that regard and averments to that effect, and thus the petitions

deserve to be dismissed at the outset. He further submitted that the vires of the U.P. Conversion Act is already a subject matter of challenge in the W.P. (Crl.) No. 428/2020 and connected W.P. (C) No. 40/2023 and thus the present batch of petitions do not deserve to be entertained.

c. The FIRs forming the subject matter of challenge in the present batch of petitions disclose the commission of a cognizable offence as the clear allegations are that around 90 persons belonging to the Hindu religion were being converted en-masse to Christianity at the Evangelical Church of India, Hariharganj, Fatehpur on 14.04.2022, by use of fraud, cheating, force and coercion and the documents belonging to such persons were also being tampered with. He submitted that such conversion from one religion to another squarely contravenes Section 3(1) of the U.P. Conversion Act and is punishable under Section 5 of the said Act. In addition to the said offence being made out, the fraudulent tampering with the documents belonging to the persons who were being converted clearly amounts to forgery under Sections 467 and 468 of the IPC respectively. In such circumstances, he submitted that, the registration of FIR No. 224/2022 for the offence under Sections 153-A, 506, 420, 467, 468 of the IPC respectively and Section(s) 3 and 5(1) of the U.P. Conversion Act respectively cannot be said to suffer from any infirmity. According to him the police was under a legal obligation to register FIR as per the mandate of Section 154(1) of the CrPC and investigate the offence.

d. FIR No. 47/2023, lodged by one of the victims of unlawful religious conversion, discloses commission of offence under Sections 3 and 5(1) of the U.P. Conversion Act respectively. Similarly, adverting to the allegations levelled in FIR Nos. 54/2023, 55/2023 and 60/2023 respectively, he submitted that the same discloses commission of cognizable offences under the IPC as well as the U.P. Conversion Act respectively.

e. Since the investigation in the FIRs in question has culminated into filing of chargesheets, examining the FIRs alone for the purpose of determining whether they are liable to be quashed without looking into the contents of the chargesheet would be misconceived.

f. On the issue of scope and purport of the unamended Section 4 of the U.P. Conversion Act, the learned AG submitted that the general principle of criminal law is that the investigation of an offence can be triggered by any credible information emanating from any source and thus notwithstanding the unamended Section 4 of the U.P. Conversion Act, the investigation relating to the offences under the U.P. Conversion Act and connected offences under the IPC can be undertaken with or without complaints made under Section 4 of the U.P. Conversion Act.

g. The object of the unamended Section 4 was only to recognise the special locus of certain class of people to complain of the offences defined under the U.P. Conversion Act, and it was not in any way meant to restrict the ambit of the provision only to the specified classes of persons. He emphasised on the fact that

illegality is by reason of the breach of the law and should be treated as independent of who informs. He further submitted that as distinguished from injunctive provisions which limit cognizance of an offence except in accordance with the stipulated procedure, Section 4 is not injunctive but enabling in nature, and not in derogation of the general provisions of law.

h. Having regard to the social importance of administration of criminal justice it must be said that any process which can trigger it must be open, and any limitations imposed thereon may be unwise.

i. Highlighting the relationship between the U.P. Conversion Act and the Cr. P.C. respectively, he submitted that except for Section 7, which provides that the offences defined under the U.P. Conversion Act shall be cognizable, non-bailable and triable by Court of Sessions, the U.P. Conversion Act does not override the general provisions of Cr. P.C. but rather supplements and complements it. Thus, the operation of Section 154 of the Cr. P.C. pertaining to the power of the police officer to receive information relating to the commission of cognizable offence from an informant and register the FIR and thereafter investigate any cognizable case in exercise of powers conferred upon him by 156(1) Cr. P.C. is not controlled by Section 4 of the U.P. Conversion Act at all.

j. The construction of Section 4 of the U.P. Conversion Act as sought to be done by the Petitioners, would give rise to an anomalous situation where even though an informant has given the information regarding commission of cognizable offence under the UP Conversion Act, yet the Police would not be able to proceed with the registration of the FIR under Section 154(1) of the Cr. P.C. and consequently investigate into the commission of the cognizable offences till the victim or his family or friend lodges the FIR.

k. The offences as alleged in FIR Nos. 54/2023, 55/2023 and 60/2023 respectively are distinct offences and thus, separate FIRs were rightly registered for each of those offences.

l. The learned AG also extensively referred to the contents of the Case Diary including the statements of witnesses recorded under Sections 161 and 164 of the Cr. P.C. respectively and the details of recoveries made during the course of the investigation to submit that the material available on record was sufficient to indicate that the offences alleged in the FIRs under consideration have been committed by the accused persons, and thus, the FIRs do not warrant quashing.

m. Except for material of sterling quality, no other material in the form of defence could be relied upon to quash the criminal proceedings. In the present case, no such material of sterling and impeccable quality has been produced by the Petitioners.

n. In the last, the learned AG submitted with lot of vehemence that unlawful conversions, particularly those involving the exploitation of vulnerable groups, tend

to violate constitutional morality and undermine the human autonomy and dignity. He underscored that such offences are, therefore, grave and tend to put the social order and security in jeopardy. Thus, he humbly urged that the petitions/appeals may be dismissed there being no merit worth the name.

### **E. ISSUES FOR CONSIDERATION**

32. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the following key issues fall for our consideration:

- a. Whether FIR No. 224/2022, having been lodged by a person not falling within one of the categories specified in the unamended Section 4 of the U.P. Conversion Act, is liable to be quashed on that ground alone?
- b. Whether FIR Nos. 55/2023 and 60/2023 respectively could be said to be covered by the decision of this Court in T.T. Antony (supra) and thus are liable to be quashed?
- c. Whether the High Court committed any error in declining to quash FIR No. 54/2023?
- d. Whether this Court, in exercise of its writ jurisdiction under Article 32, should quash FIR Nos. 224/2022 and 47/2023 respectively, more particularly when they are being questioned for the first time before this Court and have not been challenged before the High Court?
- e. Whether the High Court committed any error in declining to quash the proceedings emanating out of FIR No. 538/2023?

### **F. ANALYSIS**

33. A perusal of the judgments of the High Court impugned before us and discussed in the preceding paragraphs would go to show that there are three categories of cases which were dealt with by the High Court and have also come up before us in the present batch of matters:

- a. **First**, the matters pertaining to FIR No. 54/2023, wherein the High Court declined to quash the FIR inter alia on the ground that as FIR No. 224/2022 was not lodged at the instance of a person competent to lodge a complaint under the unamended Section 4 of the U.P. Conversion Act, the same would constitute as the first FIR in relation to the alleged incident dated 14.04.2022. Thus, the principles of **T.T. Antony (supra)** were not made applicable, and the court declined to quash the FIR.
- b. **Secondly**, the matters pertaining to FIR No. 55/2023, wherein the High Court declined to quash the FIR inter alia on the ground that the allegations levelled in the FIR prima facie disclosed the commission of a cognizable offence, and that similar

petitions challenging the same or similar FIRs had already been dismissed by coordinate benches.

c. **Thirdly**, the matters pertaining to FIR No. 60/2023 which were dismissed by the High Court primarily for the very same reasons on which FIR No. 55/2023 was declined to be quashed by the High Court. Lastly, one matter pertains to the quashing of FIR No. 538 of 2023. This FIR is no way connected with the alleged incident which forms the subject matter of FIR Nos. 54, 55 and 60 of 2023 respectively.

34. It is noteworthy that besides the aforesaid three categories of cases, FIR No. 224/2022 and FIR No. 47/2023 respectively have come up for our consideration for the first time in exercise of our writ jurisdiction.

35. At the outset, we deem it necessary to point out a peculiarity that pervades a few of the impugned judgments of the High Court. While we are yet to test the reasoning employed by the High Court as regards whether FIR No. 54/20223 could be said to be the first FIR pertaining to the alleged incident dated 14.04.2022 in light of FIR No. 224/2022, what is strikingly strange is that while acknowledging that the contents of FIR Nos. 55/2023 and 60/2023 respectively bear striking similarities with the contents of FIR No. 54/2023 and also that the same pertain to the very same incident as alleged in FIR No. 54/2023, the High Court failed to apply the principles laid down by this Court in **T.T. Antony (supra)** to the said FIRs on the patently incorrect reasoning that a coordinate bench of the High Court had already upheld the validity of FIR No. 54/2023 as being the first FIR pertaining to the alleged incident. Even if it could be said that FIR No. 54/2023 was the first FIR as FIR No. 224/2022 was non-est, we fail to understand how FIR Nos. 55/2023 and 60/2023 respectively would not amount to subsequent FIRs despite bearing such striking similarities with FIR No. 54/22.

36. Although we propose to independently apply our minds to ascertain whether FIR Nos. 55/2023 and 60/2023 respectively would be covered by the decision in T.T. Antony (supra) yet we fail to understand as to how the maintainability of FIR No. 54/2023 could have been a valid ground for the High Court to hold FIR Nos. 55 and 60 of 2023 respectively as valid, despite acknowledging that the same were mere subsequent FIRs pertaining to the very same alleged incident.

37. We also deem it necessary to clarify at the outset that we concur with the submission of the learned AG that there is no challenge to the constitutional validity of the U.P. Conversion Act in the present batch of matters and the issue which concerns us is limited to the validity of the impugned FIRs and the consequent proceedings arising therefrom. We are aware of the proceedings pending before this Court wherein the constitutional validity of the U.P. Conversion Act is being looked into. Thus, any discussion that we undertake as regards the scheme and

provisions of the U.P. Conversion Act would only be with a view to augment our understanding of the matter before us.

38. We also wish to underscore that the learned AG has vehemently submitted as regards the gravity and seriousness of the act of unlawful and illegal religious conversions and their apparent conflict with the fundamental tenets of constitutional morality. However, as the present batch of matters relates to specific FIRs, it would be necessary to examine the same applying the settled and established legal principles governing the quashing of the FIRs and the findings arrived at as a result thereto may not have a bearing with the seriousness of the offences alleged, so long as it is not one of the principles governing the inherent powers of the court to quash the criminal proceedings.

39. Before adverting to the rival submissions canvassed on either side, we deem it necessary to briefly discuss the scheme of the U.P. Conversion Act.

#### **i. Scheme of the U.P. Conversion Act**

40. The U.P. Conversion Act, which came to be enacted in 2021, was preceded by the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020. The same was promulgated by the Governor on 27.11.2020. Shortly thereafter, the ordinance, upon receiving the approval of the State Legislature and the assent of the Governor, came to be enacted on 04.03.2021.

41. The Preamble to the U.P. Conversion Act, 2021 states the avowed objective of the legislation to be prohibition of unlawful conversion from one religion to another by misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means or by marriage.

42. The Statement of Objects and Reasons accompanying the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Bill, 2021, inter alia stated that the objective of the legislation is to give meaningful effect to the constitutionally guaranteed right of religious freedom by ensuring that gullible persons are not converted from one religion to another by use of misrepresentation, force, undue influence, coercion, allurement or fraudulent means.

43. Allurement, which has been given a non-exhaustive definition, has been defined to include the following offers of temptation:

- a. Any gift, gratification, easy money or material benefit either in cash or kind.
- b. Employment, free education in reputed school run by any religious body.
- c. Better lifestyle, divine displeasure or otherwise.

44. Section 3 prohibits the conversion from one religion to another by misrepresentation, force, fraud, undue influence, coercion or allurement. It also



prohibits the attempt and abetment to undertake such conversion. It further provides that no person shall convince or conspire such conversion. The Explanation to Sub-section (1) of Section 3 provides that conversion by way of solemnization of marriage or a relationship in the form of marriage would be covered within the meaning of unlawful conversion if it is on account of the grounds enumerated in Sub-section (1).

45. Section 4, which is crucial to the case at hand, specifies the categories of persons who are competent to lodge a First Information Report pertaining to the contravention of the provisions of the U.P. Conversion Act. The said Section was amended in 2024 by the Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Act, 2024 (for short, "the Amendment Act, 2024"). Before the said amendment, Section 4 stood thus:

**"4. Person competent to lodge First Information Report.—Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption may lodge a First Information Report of such conversion which contravenes the provisions of Section 3."**

46. However, after the amendment, Section 4 reads thus:

**"4. Person competent to lodge First Information Report.—An information relating to the contravention of the provisions of the Act may be given by any person and the manner of giving such information shall be the same as given in Chapter XIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023)."**

47. The Statement of Objects and Reasons accompanying the Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Bill, 2024, inter alia, stated that amendment of the Section 4 of the U.P. Conversion Act was necessitated for resolving certain difficulties that had arisen in various cases in the past as regards the interpretation of Section 4 of the said Act.

48. The State Legislature seems to have taken the decision of amending Section 4, to make it more expansive, in light of a few decisions of the High Court, including a few impugned before us, wherein the High Court had raised questions on the validity and legality of FIR No. 224/2022 which was lodged at the instance of a person not specified as a competent person under the unamended Section 4 of the U.P. Conversion Act.

49. Besides amending Section 4, the Amendment Act, 2024 also amended Section 7 of the U.P. Conversion Act, 2021 by introducing a mandatory requirement of providing an opportunity to the Public Prosecutor to oppose the bail application of a person accused of an offence under the said Act. The Amendment Act, 2024 also substantially amended Section 5 of the said Act by enhancing the punishment for contravention of the provisions of the U.P. Conversion Act, 2021 and by introducing

special provisions in respect of minors and members of the Scheduled Castes or the Scheduled Tribes, besides introducing provisions for compensation and rehabilitation of the victims.

50. Section 6 provides that any marriage done for the sole purpose of unlawful conversion shall be void. Section 7, inter alia, prescribes that the offences under the U.P. Conversion Act, 2021 shall be cognizable and non-bailable, and be triable by the Court of Sessions.

51. Section(s) 8 and 9 respectively deal with the statutory requirement and procedure for pre and post conversion respectively. Sub-section (1) of Section 8 introduces the requirement of pre-conversion declaration by mandating it for a person who desires to convert his religion to make a declaration to the prescribed authority in the form prescribed in the first Schedule, at least sixty days before the date of proposed conversion, to the effect that he wishes to convert his religion on his own and with his free consent and without any force, coercion, undue influence or allurement. Further, under Sub-section (2) the person who performs the ceremony for religious conversion, termed as a 'religious converter', is also required to give one month's advance notice in the form prescribed in Second Schedule to the prescribed authority. Once such information is received by the prescribed authority, the said authority is required under Sub-section (3) to direct the police to conduct an enquiry with a view to find out the real intention, purpose and cause of the proposed religious conversion. Sub-section (4) stipulates that any contravention of the procedure prescribed under Sub-sections (1) and (2) would have the effect of rendering the proposed conversion illegal and void. Sub-section (5) further makes the contravention of the requirement under Sub-section (1) punishable with imprisonment upto three years and a fine of minimum Rs. 10,000/-. Similarly, the contravention of the requirement under Sub-section (2) is made punishable with imprisonment upto five years and a fine of minimum Rs. 25,000/-.

52. Section 9 provides that a person who has converted his religion must send a declaration to the prescribed authority within sixty days from the date of conversion in the form prescribed in the third Schedule to the U.P. Conversion Act. Sub-section (2) prescribes that upon receiving such a declaration, the prescribed authority shall exhibit a copy of the declaration on the notice board of his office, till the date of confirmation. Sub-section (3) prescribes the particulars to be disclosed at the time of making the declaration required under Sub-section (1) and includes the permanent address, place of residence, nature of process gone through for conversion, etc. Sub-section (4) requires the convert to appear before the prescribed authority within 21 days of sending the declaration to establish his identity and confirm the contents of the declaration. Sub-section (7) stipulates that the contravention of Sub-sections (1) to (4) shall render the conversion illegal and void.

53. Section 10 provides for the punishment in cases where the provisions of the Act, 2021 are violated by an institution or organization and stipulates that the persons in

charge of the affairs of such an organization shall be liable to be punished under Section 5 of the Act, 2021. Further, the registration of such an organization or institution under any law for the time being in force may be liable to be cancelled by the competent authority upon reference made by the prescribed authority.

54. Section 11 defines who shall be considered as parties to the offences committed under the Act, 2021. Section 12 stipulates that the burden of proof as regards whether religious conversion was effected lawfully and in accordance with the provisions of the U.P. Conversion Act, 2021 shall lie on the person who caused such conversion. Section 13 is the difficulty removal clause and empowers the State Government to make provisions to remove any difficulty arising in giving effect to the provisions of the Act, for a period of upto two years. Section 14 empowers the State Government to make Rules for carrying out the provisions of the Act. Section 15 is the repeal and saving clause and repeals the 2020 Ordinance, while saving any actions taken thereunder.

55. As discussed earlier, the constitutional validity of the provisions of the U.P. Conversion Act does not fall for our consideration in the instant case. Nonetheless, we can't help but observe that the provisions of the said Act pertaining to the pre and post-conversion declaration seem to introduce a very onerous procedure to be followed by an individual seeking to adopt a faith other than the one he professes. The involvement and interference of the State authorities in the conversion procedure is also conspicuous, with the District Magistrate having been legally obliged to direct a police enquiry in each case of intended religious conversion. Further, the statutory requirement of making public the personal details of each person who has converted to a different religion may require a deeper examination to ascertain if such a requirement fits well with the privacy regime pervading the constitution.

56. In the preamble to the Constitution of India the words 'SOCIALIST SECULAR' were inserted by the Constitution (42nd Amendment) Act, 1976. The secular nature of India is an intrinsic part of the 'basic structure' of the Constitution, as held in **Kesavananda Bharati Sripadagalvaru v. State of Kerala**, reported in (1973) 4 SCC 225 : AIR 1973 SC 1461. As laid down in the Preamble, the People of India, have resolved to secure to all its citizens, liberty of thought, expression, belief, faith and worship, apart from Justice, social, economic and political; Equality of status and of opportunity and to promote among them all fraternity, assuring the dignity of the individual, and the unity and integrity of the Nation. It requires no further exposition that the Preamble to the Constitution is of extreme importance and the Constitution should be read and interpreted in the light of the noble and grand vision expressed in the Preamble.

57. The People of India are given the liberty of thought, expression, belief, faith and worship. This liberty is an embodiment and expression of the secular nature of the country. Article 25 lays down that all persons are equally entitled to have the

freedom of conscience and shall have the right to profess, practise and propagate religion, which are subject to public order, morality and health and the other provisions of Part III of the Constitution. The right conferred by Article 25 does not prevent the State from making any law, regulating or restricting any secular activity which may be associated with religious practice, providing for social welfare and reform.

58. The scope of Article 25 fell for consideration of this Court in **Ratilal Panachand Gandhi v. State of Bombay**, reported in (1954) 1 SCC 487 : AIR 1954 SC 388. It was held therein that Article 25 of the Constitution guarantees to every person, and not merely to the citizens of India, the freedom of conscience and the right to freely profess, practise and propagate religion. Subject to the restrictions which Article 25 imposes, every person has a fundamental right under our Constitution, not merely to entertain such religious belief as may be approved of by his judgment or conscience, but to exhibit his belief and ideas in such overt acts, as are enjoined or sanctioned by his religion and further to propagate his religious views for his edification of others. The free exercise of religion, by which is meant the performance of outward acts in pursuance of religious belief, is subject of course, to State regulation imposed to secure order, public health and morals of the people. The Court once again observed that our Constitution makers have made no attempt to define what 'religion' is and that it is not certainly possible to frame an exhaustive definition of the word 'religion' which would be applicable to all classes of persons. It was once again reiterated that religious practices or performances of acts in pursuance of religious belief, are as much a part of religion as faith or belief in particular doctrines.

59. In **Saifuddin Saheb v. State of Bombay**, reported in AIR 1962 SC 853, Raigopala Ayyangar, J., while dealing with Articles 25 and 26 of the Constitution observed:

**"I would add that these articles embody the principle of religious toleration that has been the characteristic feature of Indian civilization from the start of history, the instances and periods when this feature was absent being merely temporary aberrations. Besides, they serve to emphasize the secular nature of Indian Democracy which the founding fathers considered should be the very basis of the Constitution."**

60. As observed in the **Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt**, reported in (1954) 1 SCC 412 : AIR 1954 SC 282, the word 'religion' is not defined in the Constitution. The Court concluded that religion is certainly a matter of faith with individuals or communities.

61. A nine-Judge Bench of this Court in **K.S. Puttaswamy v. Union of India**, reported in (2017) 10 SCC 1, recognised the right to privacy as a facet of Article 21 of the Constitution. Touching upon the interplay between privacy and the right to freedom of conscience and free profession, practice and propagation of religion,

this Court underlined that Article 25 encapsulates within it the ability to choose a faith and the subsequent freedom to express or not to express such choice. In other words, Article 25 carries with it the facets of privacy rights, whereby the person has the intrinsic right to freedom of conscience and also the choice to express it to the world at large. This Court highlighted that although Part III of the Constitution does not have a separate Article declaring privacy as a fundamental right, yet the broader scheme of Part III portrays and contains in it the various aspects of privacy, Article 25 being one of them. The Court categorically noted that the freedom of conscience as ensured under Article 25 falls within the zone of purely private thought process. It was also emphasised that privacy is a condition precedent for the rights under Article 25 to come into being. This Court also read privacy rights in other rights pertaining to religious belief under Articles 26 and 28 respectively. Some of the relevant observations made in the said decision are as follows:

**“298.[...]The constitutional right to the freedom of religion under Article 25 has implicit within it the ability to choose a faith and the freedom to express or not express those choices to the world. These are some illustrations of the manner in which privacy facilitates freedom and is intrinsic to the exercise of liberty. The Constitution does not contain a separate article telling us that privacy has been declared to be a fundamental right. Nor have we tagged the provisions of Part III with an alpha-suffixed right to privacy : this is not an act of judicial redrafting. Dignity cannot exist without privacy. Both reside within the inalienable values of life, liberty and freedom which the Constitution has recognised. Privacy is the ultimate expression of the sanctity of the individual. It is a constitutional value which straddles across the spectrum of fundamental rights and protects for the individual a zone of choice and self-determination.**

xxx

**372. [...] Insofar as religious beliefs are concerned, a good deal of the misery our species suffer owes its existence to and centres around competing claims of the right to propagate religion. Constitution of India protects the liberty of all subjects guaranteeing [ ...] the freedom of conscience and right to freely profess, practise and propagate religion. While the right to freely “profess, practise and propagate religion” may be a facet of free speech guaranteed under Article 19(1)(a), the freedom of the belief or faith in any religion is a matter of conscience falling within the zone of purely private thought process and is an aspect of liberty. There are areas other than religious beliefs which form part of the individual's freedom of conscience such as political belief, etc. which form part of the liberty under Article 21.**

xxx

**413. Ex facie, privacy is essential to the exercise of freedom of conscience and the right to profess, practise and propagate religion vide Article 25. The further**

right of every religious denomination to maintain institutions for religious and charitable purposes, to manage its own affairs and to own and administer property acquired for such purposes vide Article 26 also requires privacy, in the sense of non-interference from the State. Article 28(3) expressly recognises the right of a student attending an educational institution recognised by the State, to be left alone. Such a student cannot be compelled to take part in any religious instruction imparted in any such institution unless his guardian has consented to it.”

(Emphasis supplied)

62. Similarly, on the interplay between privacy and marriage, a three-Judge Bench of this Court in **Shakti Vahini v. Union of India**, reported in (2018) 7 SCC 192, while referring to **Asha Ranjan v. State of Bihar**, reported in (2017) 4 SCC 397, held that choosing one's partner is a legitimate constitutional right. The consent of the family or the community or the clan is not necessary once two adults agree to enter into a wedlock. The consent of those two adults has to be given primacy as their choices are manifestation of their right recognized under Articles 19 and 21 of the Constitution respectively. The Court held that the right to choose being an inextricable part of dignity, the infringement of exercise of such right is a violation of the Constitution. The relevant observations have been reproduced hereinbelow:—

**“43. Honour killing guillotines individual liberty, freedom of choice and one's own perception of choice. It has to be sublimely borne in mind that when two adults consensually choose each other as life partners, it is a manifestation of their choice which is recognised under Articles 19 and 21 of the Constitution. Such a right has the sanction of the constitutional law and once that is recognised, the said right needs to be protected and it cannot succumb to the conception of class honour or group thinking which is conceived of on some notion that remotely does not have any legitimacy.**

**44. The concept of liberty has to be weighed and tested on the touchstone of constitutional sensitivity, protection and the values it stands for. It is the obligation of the constitutional courts as the sentinel on qui vive to zealously guard the right to liberty of an individual as the dignified existence of an individual has an inseparable association with liberty. Without sustenance of liberty, subject to constitutionally valid provisions of law, the life of a person is comparable to the living dead having to endure cruelty and torture without protest and tolerate imposition of thoughts and ideas without a voice to dissent or record a disagreement. The fundamental feature of dignified existence is to assert for dignity that has the spark of divinity and the realisation of choice within the parameters of law without any kind of**

subjugation. The purpose of laying stress on the concepts of individual dignity and choice within the framework of liberty is of paramount importance. We may clearly and emphatically state that life and liberty sans dignity and choice is a phenomenon that allows hollowness to enter into the constitutional recognition of identity of a person.

45. The choice of an individual is an inextricable part of dignity, for dignity cannot be thought of where there is erosion of choice. True it is, the same is bound by the principle of constitutional limitation but in the absence of such limitation, none, we mean, no one shall be permitted to interfere in the fructification of the said choice. If the right to express one's own choice is obstructed, it would be extremely difficult to think of dignity in its sanctified completeness. When two adults marry out of their volition, they choose their path; they consummate their relationship; they feel that it is their goal and they have the right to do so. And it can unequivocally be stated that they have the right and any infringement of the said right is a constitutional violation. The majority in the name of class or elevated honour of clan cannot call for their presence or force their appearance as if they are the monarchs of some indescribable era who have the power, authority and final say to impose any sentence and determine the execution of the same in the way they desire possibly harbouring the notion that they are a law unto themselves or they are the ancestors of Caesar or, for that matter, Louis the XIV. The Constitution and the laws of this country do not countenance such an act and, in fact, the whole activity is illegal and punishable as offence under the criminal law.”

(Emphasis supplied)

63. Again one another three-Judge Bench of this Court in **Shafin Jahan v. Asokan K.M.**, reported in (2018) 16 SCC 368, highlighted that the Constitution affirms the liberty and autonomy inherent in every individual, more particularly, to the decisions central to one's identity. It held that the right to marry a person of one's choice is integral to Article 21 of the Constitution as an expression of one's right to life. It categorically held that the intimacies of marriage, including the choices which individuals make on whether to marry, or whom to marry, form one of the rights from a bouquet of rights of the right to privacy, and most importantly, transcend the control of the State. The Court while observing that the Constitution guarantees the right to practice, profess and propagate religion, it held that an individual's autonomy is supreme in choices of faith and belief which are intrinsic in matters of marriage. The Court prohibited the State as well as the law from controlling the choice of choosing a partner or even limiting or regulating the ability to decide on such matters. We quote the relevant extract:

**“84. A marriage can be dissolved at the behest of parties to it, by a competent court of law. Marital status is conferred through legislation or, as the case may be, custom. Deprivation of marital status is a matter of serious import and must be strictly in accordance with law. The High Court in the exercise of its jurisdiction under Article 226 ought not to have embarked on the course of annulling the marriage. The Constitution recognises the liberty and autonomy which inheres in each individual. This includes the ability to take decisions on aspects which define one's personhood and identity. The choice of a partner whether within or outside marriage lies within the exclusive domain of each individual. Intimacies of marriage lie within a core zone of privacy, which is inviolable. The absolute right of an individual to choose a life partner is not in the least affected by matters of faith. The Constitution guarantees to each individual the right freely to practise, profess and propagate religion. Choices of faith and belief as indeed choices in matters of marriage lie within an area where individual autonomy is supreme. The law prescribes conditions for a valid marriage. It provides remedies when relationships run aground. Neither the State nor the law can dictate a choice of partners or limit the free ability of every person to decide on these matters. They form the essence of personal liberty under the Constitution. In deciding whether Shafin Jahan is a fit person for Hadiya to marry, the High Court has entered into prohibited terrain. Our choices are respected because they are ours. Social approval for intimate personal decisions is not the basis for recognising them. Indeed, the Constitution protects personal liberty from disapproving audiences.”**  
(Emphasis supplied)

64. However, the question of validity of the provisions of the U.P. Conversion Act not being in issue, we would limit our observations to the aforesaid extent and proceed to examine the issues that have arisen for our consideration.

65. The journey to answering the issues framed above would necessarily have to pass through the following legal questions:

- a. What are the contours of inherent powers of the High Courts insofar as quashing of criminal proceedings is concerned and what are the principles governing the exercise of such powers?
- b. Whether an FIR can be quashed after the filing of a chargesheet? If yes, is there any change in the considerations governing quashing in the two cases?
- c. Whether this Court in exercise of its writ jurisdiction under Article 32 can consider the prayer for quashing of criminal proceedings?
- d. Whether multiple FIRs pertaining to the same alleged offence/incident is maintainable?



## **ii. Principles governing the quashing of criminal proceedings**

66. The power to quash criminal proceedings is guided by the principle of preventing the abuse of the process of law or miscarriage of justice, and of securing the ends of justice. It can be done by the High Court in exercise of its extraordinary power under Article 226 of the Constitution or by exercise of its inherent powers under Section 482 of the Cr. P.C. (Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, "the B.N.S.S.")) and even by the Supreme Court under Article 32 of the Constitution, if the circumstances so require.

67. Section 482 of the Cr. P.C. stipulates that nothing in the Cr. P.C. limits or affects the inherent powers of the High Court to make orders to give effect to any order under the Cr. P.C., or to prevent abuse of the process of any Court, or otherwise to secure the ends of justice. The powers vested can even be exercised suo motu to secure the ends of justice. In **State of Haryana v. Bhajan Lal**, reported in 1992 Supp (1) SCC 335, this Court made it abundantly clear that the High Courts in exercise of their extraordinary power under Article 226 or the inherent powers under Section 482 of the Cr. P.C., should act with a view to prevent abuse of process of any court or secure the ends of justice. A three-Judge Bench of this Court in **State of Orissa v. Debendra Nath Padhi**, reported in (2005) 1 SCC 568, placing reliance on **Bhajan Lal** (supra), held thus:

**"29. Regarding the argument of the accused having to face the trial despite being in a position to produce material of unimpeachable character of sterling quality, the width of the powers of the High Court under Section 482 of the Code and Article 226 of the Constitution is unlimited whereunder in the interests of justice the High Court can make such orders as may be necessary to prevent abuse of the process of any court or otherwise to secure the ends of justice within the parameters laid down in Bhajan Lal case [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426]."**

(Emphasis supplied)

68. In **Pepsi Foods Ltd. v. Special Judicial Magistrate**, reported in (1998) 5 SCC 749, it was held by this Court that the nomenclature under which the petition has been filed is not relevant and it does not bar the court from exercising its jurisdiction which it possesses by virtue of its very existence. The relevant observations read thus:

**"26. Nomenclature under which petition is filed is not quite relevant and that does not debar the court from exercising its jurisdiction which otherwise it possesses unless there is special procedure prescribed which procedure is mandatory. If in a case like the present one the court finds that the appellants**

could not invoke its jurisdiction under Article 226, the court can certainly treat the petition as one under Article 227 or Section 482 of the Code. It may not however, be lost sight of that provisions exist in the Code of revision and appeal but some time for immediate relief Section 482 of the Code or Article 227 may have to be resorted to for correcting some grave errors that might be committed by the subordinate courts. The present petition though filed in the High Court as one under Articles 226 and 227 could well be treated under Article 227 of the Constitution."

(Emphasis supplied)

69. A three-Judge Bench of this Court, speaking through Gajendragadkar, J., as His Lordship then was, in **Talab Haji Hussain v. Madhukar Purshottam Mondkar**, reported in 1958 SCC OnLine SC 81, succinctly explained the intention of the legislature behind adding Section 561A to the Code of Criminal Procedure, 1898, which is in pari materia with Section 482 of the Cr. P.C., and Section 528 of the B.N.S.S. The Court held that the provisions of the Code do not limit or affect the inherent power of the High Court. The legislature cannot anticipate every lacuna that may arise in the implementation of procedural law and it is precisely to address such lacunas that, the law recognises the existence of inherent power in courts. The relevant observations read thus:

"5. Section 561-A of the Code was added to the Code in 1923 and it purports to save the inherent power of the High Courts. It provides that nothing in the Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under the Code or to prevent abuse of the process of any court or otherwise to secure the ends of justice. It appears that doubts were expressed in some judicial decisions about the existence of such inherent power in the High Courts prior to 1923. That is why legislature enacted this section to clarify the position that the provisions of the Code were not intended to limit or affect the inherent power of the High Courts as mentioned in Section 561-A. It is obvious that this inherent power can be exercised only for either of the three purposes specifically mentioned in the section. This inherent power cannot naturally be invoked in respect of any matter covered by the specific provisions of the Code. It cannot also be invoked if its exercise would be inconsistent with any of the specific provisions of the Code. It is only if the matter in question is not covered by any specific provisions of the Code that Section 561-A can come into operation, subject further to the requirement that the exercise of such power must serve either of the three purposes mentioned in the said section. In prescribing rules of procedure legislature undoubtedly attempts to provide for all cases that are likely to arise; but it is not possible that any legislative enactment dealing with procedure, however carefully it may be drafted, would

succeed in providing for all cases that may possibly arise in future. Lacunae are sometimes discovered in procedural law and it is to cover such lacunae and to deal with cases where such lacunae are discovered that procedural law invariably recognizes the existence of inherent power in courts. It would be noticed that it is only the High Courts whose inherent power is recognized by Section 561-A; and even in regard to the High Courts' inherent power definite salutary safeguards have been laid down as to its exercise. It is only where the High Court is satisfied either that an order passed under the Code would be rendered ineffective or that the process of any court would be abused or that the ends of justice would not be secured that the High Court can and must exercise its inherent power under Section 561-A. There can thus be no dispute about the scope and nature of the inherent power of the High Courts and the extent of its exercise."

(Emphasis supplied)

70. The aforesaid decisions of this Court make it clear that where the High Court is satisfied that the process of any court is being abused or likely to be abused or that the ends of justice would not be secured, it is not only empowered but also obligated under the law to exercise its inherent powers. The provision does not confer any new power on the High Court but rather saves the power which the High Court already possesses, from before the enactment of the legislation, by reason of its very existence. In exercise of its power, it would be legitimate for the High Court to quash any criminal proceedings, if the High Court finds that the initiation or continuation of it may lead to abuse of process of court, and quashing of the proceedings would serve the ends of justice.

71. While observing that it is not possible to lay down an exhaustive list of circumstances and situations wherein such inherent power could be exercised, this Court in **Bhajan Lal (supra)**, nonetheless illustrated certain categories of cases wherein the extraordinary power under Article 226 or the inherent power under Section 482 of the Cr. P.C. can be exercised by the High Court. We would like to reproduce paragraph 102 of the said judgment which reads thus:

**"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or**

rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

(Emphasis supplied)

72. This Court in **Rajiv Thapar v. Madan Lal Kapoor**, reported in (2013) 3 SCC 330, laid down steps that ought to be followed by the High Court to determine the veracity of a prayer for quashing of proceedings. The steps were premised on the understanding that the courts are not barred from looking at the materials produced by the accused of sterling and impeccable quality. It was held that the material should be such as would persuade a reasonable person to reject, dismiss and condemn the allegations as false. The judicial conscience of the High Court

would then be persuaded to exercise its power under Section 482 of the Cr. P.C. to quash the proceedings with a view to prevent abuse of process of the court and secure the ends of justice. The relevant observations have been reproduced hereinbelow:—

**“30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:**

**30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?**

**30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?**

**30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?**

**30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?**

**30.5. If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused.”**

(Emphasis supplied)

73. While looking into the present matter, we came across many judgments and orders of various High Courts, more particularly, the High Court of Allahabad, wherein the decision of this Court in **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra & Ors**, reported in (2021) 19 SCC 401, has been interpreted as curtailing the scope of inherent powers of the High Courts to quash the criminal proceedings as compared to the scope laid down in **Bhajan Lal (supra)**. We deem it important to discuss the decision in **Neeharika (supra)** so as to understand its true import and whether it has limited the scope of the decision in **Bhajan Lal (supra)** in

any manner.

74. The decision in **Neeharika (supra)**, inter alia, held as follows:—

a. **First**, the police have the statutory right and duty under the relevant provisions of the Cr. P.C. to investigate into cognizable offence. As a matter of rule, the courts should not interfere at the stage of investigation of a cognizable offence, however, in cases where no cognizable offence is disclosed in the FIR, the court should not permit an investigation to continue. The power of quashing should be exercised sparingly with circumspection. The courts should not interfere at the stage of investigation of offences except where non-interference would result in miscarriage of justice.

b. **Secondly**, the decision of **Bhajan Lal (supra)**, in so many words, holds that the courts should not interfere at the stage of investigation except in cases where non-interference would result in miscarriage of justice. The High Courts are well within their jurisdiction to quash an FIR/complaint with due regard to the restraints imposed by law, more particularly, the parameters laid down in **R.P. Kapur v. State of Punjab**, reported in 1960 SCC OnLine SC 21 and **Bhajan Lal (supra)**.

c. **Thirdly**, where the initiation of criminal proceedings amounts to an abuse of the process of law, or in exceptional cases where non-interference would result in a miscarriage of justice, the High Court, in exercise of its powers under Section 482 of the Cr. P.C. and/or Article 226 of the Constitution, may quash the FIR, complaint, or criminal proceedings, and may even stay the proceedings.

75. In **Neeharika (supra)**, the Court was dealing with the issue whether the High Court would be justified in passing an interim order either staying the investigation or an order stating that “no coercive steps” be taken during the investigation. The Court held that the law as regards the exercise of powers by the High Court to quash an FIR, or a complaint and the parameters applicable for exercise of such powers in quashing an FIR, or a complaint should be made applicable in the form of parameters to be applied while considering the grant of interim stay or protection. It is in this context, and only in this context that the Court reiterated the established principles governing the exercise of powers under Section 482 of the Cr. P.C. and/or under Article 226 of the Constitution of India.

76. The Court referred to its various other decisions to discuss the scope and ambit of the powers under Section 482 of the Cr. P.C. and Article 226 of the Constitution. In this context, the Court referred to **Bhajan Lal (supra)**, to state that while identifying the cases in which the FIR/complaint can be quashed, the High Court should not embark upon an inquiry into the merits and demerits of the allegations and quash the proceedings. A plain reading of the decisions in **Neeharika (supra)** and **Bhajan Lal (supra)** indicates that both decisions stand in harmony and admit of no

contradiction.

77. To resolve the issue in **Neeharika (supra)**, the Court referred to and interpreted the time-tested principles laid down in the earlier pronouncements of this Court on the scope and ambit of the powers of the High Court under Section 482 of the Cr. P.C. and/or Article 226 of the Constitution, and applied them to the facts of the said case, without in any manner unsettling the settled principles of law.

78. The decision in **Neeharika (supra)** by no means should be understood to lay an absolute dictum that an FIR/complaint cannot be quashed at the stage of investigation. The decision proceeds on the premise that if an “information” given to the police discloses commission of an offence, then it requires investigation. However, it does not take away the inherent powers of the High Court, which are discretionary and are to be exercised judicially upon a careful application of mind to the facts and the relief sought.

79. Thus, it could be said that the decision in **Neeharika (supra)** operates in a cautionary domain, requiring the courts to be circumspect, particularly in cases involving complex or convoluted facts. The guiding principle remains that this extraordinary jurisdiction should be invoked sparingly, with due regard to balancing the rights of the genuine complainants vis a vis the innocent persons against whom the criminal proceedings have been initiated by abusing the process of law.

80. In the context of the decision in the **Neeharika (supra)**, we would like to say that a judgment of a court of law should not be read as a Euclid's theorem nor as a provision in a statute, vide **Bharat Petroleum Corpn. Ltd. v. N.R. Vairamani**, reported in (2004) 8 SCC 579 : AIR 2004 SC 4778 (vide paras 9 to 12), **Rajbir Singh Dalal v. Chaudhari Devi Lal University**, reported in (2008) 9 SCC 284, etc.

81. Undoubtedly, if an offence is alleged to have been committed, the police is duty bound to investigate into the offence. The Cr. P.C. vests this power in police to investigate all cases where it is suspected or reported that an offence has been committed. However, at the same time, in appropriate cases an aggrieved person also has a right to seek a remedy before the courts and in a given case, if the High Court is convinced that the investigation by the police is nothing but an abuse of the process of law, it can and must quash the FIR or the proceedings arising therefrom, or issue a writ of mandamus restraining the police officer from misusing his powers.

82. In the **State of A.P. v. Golconda Linga Swamy**, reported in (2004) 6 SCC 522, this Court elaborated on the types of material the High Court can take into consideration to quash an FIR. The Court drew a fine distinction between consideration of materials that may be tendered as evidence and appreciation of such evidence and that only such material that manifestly runs contrary to the accusations in the FIR could be considered for the purpose of quashing. The relevant observations read thus:—

**“5.[...] Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.**

**6. In R.P. Kapur v. State of Punjab [AIR 1960 SC 866 : 1960 Cri LJ 1239] this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)**

**(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;**

**(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;**

**(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.**

**7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge.[...]**

**(Emphasis supplied)**

83. What should be the approach of the court in cases where an accused seeks quashing of an FIR or proceedings on the ground that such proceedings are manifestly frivolous, or vexatious, or instituted with an ulterior motive for wreaking vengeance was delineated by this Court in **Mohammad Wajid v. State of U.P.**, reported in 2023 SCC OnLine SC 951, wherein one of us, J.B. Pardiwala, J., speaking



for the Bench held that the courts owe a duty to look into other attending circumstances emerging from the record of the case, and if need be, read between the lines. We may refer to the following observations for the benefit of exposition:

**“36. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely.**

**37. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.**

**38. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.** Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

(Emphasis supplied)

84. Recently, a Coordinate Bench of this Court in **Imran Pratapgadhi v. State of Gujarat & Anr**, reported in 2025 SCC OnLine SC 678, dealt with a case wherein the High Court had rejected the petition under Section 528 of the B.N.S.S. read with Article 226 of the Constitution by holding that since the investigation was at a nascent stage, the High Court should not interfere in view of the decision of this Court in Neeharika (supra). This Court found the registration of the FIR to be a

mechanical exercise and a clear abuse of the process of law as no prima facie case was made out against the appellant qua the provisions invoked. The Court held that there is no absolute rule that when the investigation is at a nascent stage, the High Court should not exercise its jurisdiction to quash an FIR in exercise of its jurisdiction under Article 226 of the Constitution or under Section 482 of the Code. To prevent abuse of the process of law, the High Court may interfere even though the investigation is at the nascent stage. The relevant observations read thus:—

**“36. In the instant case, as we have seen, no prima facie case can be said to have been made out against the appellant qua the sections invoked. In such a case, registration of the FIR appears to be a very mechanical exercise and is a clear abuse of the process of law. In fact, registration of such FIR virtually borders on perversity. We are surprised that this very crucial aspect escaped the notice of the High Court. The High Court ought to have nipped the mischief at the threshold itself.**

**37. We fail to understand how the High Court concluded that the message was posted in a manner that would certainly disturb social harmony. Thereafter, the High Court gave a reason that the investigation was at a nascent stage. There is no absolute rule that when the investigation is at a nascent stage, the High Court cannot exercise its jurisdiction to quash an offence by exercising its jurisdiction under Article 226 of the Constitution of India or under Section 482 of the CrPC equivalent to Section 528 of the BNSS. When the High Court, in the given case, finds that no offence was made out on the face of it, to prevent abuse of the process of law, it can always interfere even though the investigation is at the nascent stage. It all depends on the facts and circumstances of each case as well as the nature of the offence. There is no such blanket rule putting an embargo on the powers of the High Court to quash FIR only on the ground that the investigation was at a nascent stage. If such embargo is taken as an absolute rule, it will substantially curtail the powers of the High Court which have been laid down and recognised by this Court in the case of State of Haryana v. Bhajan Lal.”**

(Emphasis supplied)

### **iii. Whether an FIR can be quashed after the filing of chargesheet?**

85. The learned AG placed considerable emphasis on the fact that since chargesheets in all the impugned FIRs have already been filed, the plea of the appellant(s)/petitioners for the quashing of the FIRs is misconceived. The question as to whether an FIR can be quashed after the filing of a chargesheet is no longer res integra. The High Court, while dealing with a petition seeking quashing of an FIR, even after the chargesheet had been filed, is well within its powers to do so if, upon a collective reading of the FIR and the chargesheet, it is satisfied that they do not disclose commission of any offence or that the continuation of proceedings would amount to an abuse of the process of law. Thus, the filing of a chargesheet would

not preclude the High Court from quashing of the criminal proceedings. This Court in **Anand Kumar Mohatta v. State (NCT of Delhi)**, reported in (2019) 11 SCC 706, held thus:—

**“14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge-sheet is filed, petition for quashing of FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in Joseph Salvaraj A. v. State of Gujarat [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23]. In Joseph Salvaraj A. [Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23], this Court while deciding the question whether the High Court could entertain the Section 482 petition for quashing of FIR, when the charge-sheet was filed by the police during the pendency of the Section 482 petition, observed : (SCC p. 63, para 16)**

**“16. Thus, from the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge-sheet had been filed, the learned Single Judge [Joesph Saivaraj A. v. State of Gujarat, 2007 SCC OnLine Guj 365] could have still examined whether the offences alleged to have been committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not.”**

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**16. There is nothing in the words of this section which restricts the exercise of the power of the Court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It is settled principle of law that the High Court can exercise jurisdiction under Section 482 CrPC even when the discharge application is pending with the trial court [G. Sagar Suri v. State of U.P., (2000) 2 SCC 636, para 7 : 2000 SCC (Cri) 513. Umesh Kumar v. State of A.P., (2013) 10 SCC 591, para 20 : (2014) 1 SCC (Cri) 338 : (2014) 2 SCC (L&S) 237]. Indeed, it would be a travesty to hold that proceedings initiated against a person can be interfered with at the stage of FIR but not if it has advanced and the allegations have materialised into a charge-sheet. On the contrary it could be said that the abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge-sheet after investigation. The power is undoubtedly conferred to prevent abuse of process of power of any court.”**

(Emphasis supplied)

86. Similar view has been taken by this Court in **Kailashben Mahendrabhai Patel v. State of Maharashtra**, reported in 2024 SCC OnLine SC 2621; **A.M. Mohan v. State**, reported in 2024 SCC OnLine SC 339; **Abhishek v. State of Madhya Pradesh**,

reported in (2023) 16 SCC 666 and **Joseph Salvaraj A. v. State of Gujarat**, reported in (2011) 7 SCC 59 respectively.

87. It was held by this very Bench in **Somjeet Mallick v. State of Jharkhand & Ors**, reported in (2024) 10 SCC 527, that a petition to quash the FIR does not become infructuous on submission of a police report under Section 173(2) of the Cr. P.C. However, the courts are expected to apply their mind to the materials submitted in support of the police report before deciding on whether the FIR and consequential proceedings should be quashed or not. The relevant observations read thus:—

**“19. No doubt, a petition to quash the FIR does not become infructuous on submission of a police report under Section 173(2)CrPC, but when a police report has been submitted, particularly when there is no stay on the investigation, the court must apply its mind to the materials submitted in support of the police report before taking a call whether the FIR and consequential proceedings should be quashed or not. More so, when the FIR alleges an act which is reflective of a dishonest conduct of the accused.**

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**21. In our view, the High Court ought to have considered the materials collected during investigation before taking a call on the prayer for quashing the FIR, the cognizance order and the proceedings in pursuance thereof.”**

(Emphasis supplied)

88. We find it apt to mention that an accused person may approach the High Court for quashing of the FIR and chargesheet under Article 226 of the Constitution till the time cognizance on the chargesheet has not been taken by the jurisdictional Trial Court. Once cognizance is taken, thereafter the accused person may approach the High Court under Section 528 of the B.N.S.S. (earlier Section 482 of the Cr. P.C.) at any stage of the proceedings for quashing of the FIR and the consequential proceedings on the ground of abuse of the process of law. (See: Order dated 15.10.2024 in SLP (Crl.) 13578/2024, **Neeta Singh v. The State of Uttar Pradesh**)

**iv. Whether criminal proceedings can be quashed by this Court in exercise of its powers under Article 32?**

89. We shall now proceed to address the question as to whether a writ petition invoking the jurisdiction of this Court under Article 32 of the Constitution would be maintainable for seeking quashing of an FIR and the consequential proceedings arising therefrom.

90. This Court, as the highest constitutional court, has been conferred with the powers as enshrined under Part III of the Constitution to provide remedies against the violation of fundamental rights. The very fact that the right to constitutional

remedies has itself been enshrined as a fundamental right is a clear affirmation that this Court is the ultimate guarantor of their enforcement. Once the Constitution has cast such a responsibility upon it, this Court need not direct a petitioner to pursue an alternative remedy, when the grievance stems from the alleged violation of a fundamental right.

91. At the same time, although, as a matter of orderly procedure and judicial discipline, an aggrieved party is expected, in the ordinary course, to first approach the High Court, yet where facts disclose a palpable violation of the fundamental rights necessitating urgent intervention, it is incumbent upon this Court, in exercise of its writ jurisdiction, to step in and secure justice. In such circumstances, the existence of an alternative remedy cannot dilute the constitutional mandate entrusted to this Court. That is why it is said that "Let justice be done, though the Heavens may fall".

92. The protection of the rights of the accused under the Constitution stands on an equal footing with the imperative of ensuring justice to the victim. In **Amitbhai Anilchandra Shah v. Central Bureau of Investigation & Anr**, reported in (2013) 6 SCC 348, the petitioners sought quashing of the FIR as it was violative of their fundamental rights under Articles 14, 20 and 21 of the Constitution respectively. This Court upheld the maintainability of the writ petition and quashed the FIR while holding that the filing of the said FIR was unwarranted and violative of the fundamental rights of the petitioner-accused. The relevant observations read thus:—

**"58.8. Likewise, in the case on hand, initially CBI took a stand that the third person accompanying Sohrabuddin and Kausarbi was Kalimuddin. However, with the aid of further investigation, it unveiled that the third person was Tulsiram Prajapati. Therefore, only as a result of further investigation, CBI has gathered the information that the third person was Tulsiram Prajapati. Thus a second FIR in the given facts and circumstances is unwarranted : instead filing of a supplementary charge-sheet in this regard will suffice the issue.**

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**59. In the light of the specific stand taken by CBI before this Court in the earlier proceedings by way of assertion in the form of counter-affidavit, status reports, etc. we are of the view that filing of the second FIR and fresh charge-sheet is violative of fundamental rights under Articles 14, 20 and 21 of the Constitution since the same relate to alleged offence in respect of which an FIR had already been filed and the court has taken cognizance.** This Court categorically accepted CBI's plea that killing of Tulsiram Prajapati is a part of the same series of cognizable offence forming part of the first FIR and in spite of the fact that this Court directed CBI to "take over" the investigation and did not grant the relief as prayed, namely, registration of fresh FIR, the present

**action of CBI filing fresh FIR is contrary to various judicial pronouncements which is demonstrated in the earlier part of our judgment.”**

(Emphasis supplied)

93. In **Arnab Ranjan Goswami (supra)**, the petitioner therein had filed a writ petition under Article 32 of the Constitution for quashing of an FIR. This Court observed that a prima facie evaluation of the FIR failed to disclose any offence. The Court declined to entertain the prayers for quashing of FIR and the alternate relief sought for transfer of probe to CBI only as a matter of entertainability and not a matter of maintainability. In other words, in the facts of that case, the Court did not find any exceptional grounds to bypass the power of the High Court under Section 482 of the CrPC. The Court also actively remarked that the non-entertainability of the prayers of the petitioner therein must not be misconstrued as holding that the petition under Article 32 is not maintainable. We have extracted the relevant paragraph below:—

**“57. We hold that it would be inappropriate for the Court to exercise its jurisdiction under Article 32 of the Constitution for the purpose of quashing FIR No. 164 of 2020 under investigation at N.M. Joshi Marg Police Station in Mumbai. In adopting this view, we are guided by the fact that the checks and balances to ensure the protection of the petitioner's liberty are governed by the CrPC. Despite the liberty being granted to the petitioner on 24-4-2020 [Arnab Ranjan Goswami v. Union of India, (2020) 14 SCC 51], it is an admitted position that the petitioner did not pursue available remedies in the law, but sought instead to invoke the jurisdiction of this Court. Whether the allegations contained in the FIR do or do not make out any offence as alleged will not be decided in pursuance of the jurisdiction of this Court under Article 32, to quash the FIR. The petitioner must be relegated to the pursuit of the remedies available under the CrPC, which we hereby do. The petitioner has an equally efficacious remedy available before the High Court. We should not be construed as holding that a petition under Article 32 is not maintainable. But when the High Court has the power under Section 482, there is no reason to by-pass the procedure under the CrPC, we see no exceptional grounds or reasons to entertain this petition under Article 32. There is a clear distinction between the maintainability of a petition and whether it should be entertained. In a situation like this, and for the reasons stated hereinabove, this Court would not like to entertain the petition under Article 32 for the relief of quashing the FIR being investigated at N.M. Joshi Police Station in Mumbai which can be considered by the High Court. Therefore, we are of the opinion that the petitioner must be relegated to avail of the remedies which are available under the CrPC before the competent court including the High Court.”**

(Emphasis supplied)

94. In the recent past, a Coordinate Bench of this Court in **Vinod Dua v. Union of India**, reported in (2023) 14 SCC 286, had quashed an FIR lodged against the petitioner therein in exercise of its powers under the writ jurisdiction. The petitioner therein had prayed for quashing of the FIR on the grounds that the criminal proceedings so initiated were an abuse of the process of the court and violative of his fundamental rights. This Court noted that the practice to direct the petitioners to approach the respective High Courts before approaching this Court is a practice of self-discipline, considering the pressure of mounting cases, however, in glaring circumstances showing blatant violation of fundamental rights, this Court would not hesitate to consider a writ petition filed for quashing of the criminal proceedings. In other words, there is no bar for this Court if it intends and finds fit to exercise its jurisdiction under Article 32 of the Constitution for the purpose of quashing of criminal proceedings. It also applied the principles of **Bhajan Lal (supra)**, in order to test if the criminal proceedings deserved to be quashed. It further relied upon a three-Judge Bench decision in **Priya Prakash Varrier v. State of Telangana**, reported in (2019) 12 SCC 432, in which this Court had quashed the criminal proceedings against the petitioner in exercise of its powers under Article 32 jurisdiction, on reaching the conclusion that the elements of Section 295A of the IPC were entirely absent. The relevant paragraphs have been produced below:

**“27. In Priya Prakash Varrier [Priya Prakash Varrier v. State of Telangana, (2019) 12 SCC 432 : (2019) 4 SCC (Cri) 397], the nature of relief claimed was set out in para 1 of the decision whereafter this Court relied upon the dictum of the Constitution Bench in Ramji Lal Modi v. State of U.P. [Ramji Lal Modi v. State of U.P., 1957 SCC OnLine SC 77 : AIR 1957 SC 620] that for an offence to come within the parameters of Section 295-AIPC, the crime ought to have been committed with deliberate and malicious intention of outraging the religious feelings of a class. Finding such element to be completely absent, the relief prayed for was granted by this Court. The relevant observations of this Court were : (Priya Prakash Varrier case [Priya Prakash Varrier v. State of Telangana, (2019) 12 SCC 432 : (2019) 4 SCC (Cri) 397], SCC pp. 433-37, paras 1, 7, 12-13 and 15)**

**“1. In the instant writ petition preferred under Article 32 of the Constitution of India, the petitioners, namely, the actor, producer and director of the movie, have prayed for quashing of FIR No. 34 of 2018, dated 14-2-2018, registered at Falaknama Police Station, Hyderabad, Telangana. That apart, a prayer has also been made that no FIR should be entertained or no complaint under Section 200 of the Criminal Procedure Code, 1973 should be dealt with because of the picturisation of the song “Manikya Malaraya Poovi” by Petitioner 1 in the film, namely, “Oru Adaar Love”.**

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Notably, this decision rendered by a three-Judge Bench of this Court was in the context of right claimed under Article 19(1)(a) of the Constitution, where the offence alleged was one under Section 295-AIPC. Apart from quashing the FIR, this Court also directed that no FIR or complaint should be entertained against the petitioners because of the picturisation of the song concerned.

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30. In *Jagisha Arora v. State of U.P.* [*Jagisha Arora v. State of U.P.*, (2019) 6 SCC 619 : (2019) 2 SCC (Cri) 881], this Court entertained a petition under Article 32 of the Constitution against an order of remand passed by the jurisdictional Magistrate despite the objection that the order must be challenged in accordance with the provisions of the Code. The discussion was : (SCC pp. 619-20, paras 2-7)

“2. The fundamental rights guaranteed under the Constitution of India and in particular Articles 19 and 21 of the Constitution of India are non-negotiable.

3. The learned Additional Solicitor General appearing on behalf of the State has opposed this allegation on various technical grounds including the ground that there is an order of remand passed by the jurisdictional Magistrate. It is also contended that the High Court should have first been approached.

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4. Citing the judgment of this Court in *State of Maharashtra v. Tasneem Rizwan Siddiquee* [*State of Maharashtra v. Tasneem Rizwan Siddiquee*, (2018) 9 SCC 745 : (2019) 1 SCC (Cri) 386], the learned Additional Solicitor General argued that the question of whether a writ of habeas corpus could be maintained in respect of a person who was in police custody pursuant to a remand order passed by the jurisdictional Magistrate in connection with the offence under investigation, had already been settled by this Court. This application, is, therefore not maintainable. It was argued that the order of remand ought to be challenged in accordance with the provisions of the Criminal Procedure Code. It was also argued that this Court does not ordinarily entertain writ petitions unless the High Court has first been approached.

5. As a matter of self-imposed discipline and considering the pressure of mounting cases on this Court, it has become the practice of this Court to ordinarily direct that the High Court first be approached even in cases of violation of fundamental rights. However, Article 32 which is itself a fundamental right cannot be rendered nugatory in a glaring case of deprivation of liberty as in the instant case, where the jurisdictional Magistrate has passed an order of remand till 22-6-2019 which means that the petitioner's husband Prashant Kanojia would be in custody for about 13/14 days for putting



up posts/tweets on the social media.

6. We are not inclined to sit back on technical grounds. In exercise of power under Article 142 of the Constitution of India this Court can mould the reliefs to do complete justice.

7. We direct that the petitioner's husband be immediately released on bail on conditions to the satisfaction of the jurisdictional Chief Judicial Magistrate. It is made clear that this order is not to be construed as an approval of the posts/tweets in the social media. This order is passed in view of the excessiveness of the action taken.”

31. Thus, the practice of directing that the High Court be approached first even in cases of violation of fundamental rights, is more of a self-imposed discipline by this Court; but in glaring cases of deprivation of liberty, this Court has entertained petitions under Article 32 of the Constitution. We may, at this stage, also notice the following observations made in *Union of India v. Paul Manickam* [*Union of India v. Paul Manickam*, (2003) 8 SCC 342 : 2004 SCC (Cri) 239] : (SCC p. 356, para 22)

“22. Another aspect which has been highlighted is that many unscrupulous petitioners are approaching this Court under Article 32 of the Constitution challenging the order of detention directly without first approaching the High Courts concerned. It is appropriate that the High Court concerned under whose jurisdiction the order of detention has been passed by the State Government or Union Territory should be approached first. In order to invoke the jurisdiction under Article 32 of the Constitution to approach this Court directly, it has to be shown by the petitioner as to why the High Court has not been approached, could not be approached or it is futile to approach the High Court. Unless satisfactory reasons are indicated in this regard, filing of petition in such matters directly under Article 32 of the Constitution is to be discouraged.”

(Emphasis supplied)

#### **v. Whether multiple FIRs pertaining to the same alleged offence are maintainable?**

95. The earliest information, being the first in point of time, relating to the commission of a cognizable offence and recorded by the officer in charge of a police station, is what sets the investigative machinery in motion and marks the commencement of investigation. This information is commonly referred to as “the FIR”, and it is the only FIR. It is, no doubt, possible that more than one piece of information may be furnished to the police concerning the same incident involving one or multiple cognizable offences.

96. A plain reading of Section 154 of the Cr. P.C. makes it clear that a police officer is not obliged to record every subsequent piece of information in the station diary as the first information. The expression "second FIR" is a misnomer, for the law does not recognize the registration of more than one First Information Report in respect of the same offence. Any action taken by the police on information received after the first report forms part of the investigation into the same offence. The investigating agency, in the discharge of its bounden duty, must inquire not only into the cognizable offence disclosed in the first report but also into all connected offences arising from the same transaction or occurrence.

97. The existence of another FIR stamps an abuse of investigative powers, undermines the fairness of the investigative process, and exposes the accused to unwarranted harassment through repeated investigations into the same offence. Such a practice militates against the procedure that all connected offences arising from the same incident or transaction must be investigated together in a single proceeding. It is for this reason that the law disregards the practice of registering a "second FIR", save in situations where the test of sameness is inapplicable or a counter-case is being investigated into. In such cases, the High Court, in exercise of its inherent powers under Section 482 Cr. P.C. and/or its extraordinary jurisdiction under Article 226 of the Constitution, may quash the subsequent FIR to prevent abuse of the process of law.

98. This Court in **T.T. Antony (supra)**, categorically held that any information furnished to the officer in charge of a police station after the commencement of investigation would constitute a statement covered by Section 162 of the Cr. P.C. No such information, subsequent to the first information, can be treated as an FIR under Section 154 of the Cr. P.C., for that would amount to a "second FIR," which is impermissible in law. The scheme of the Cr. P.C. only recognizes the first information about a cognizable offence as satisfying the requirements of Section 154 of the Cr. P.C. It was held therein that there can be no fresh investigation on receipt of subsequent information qua the same cognizable offence/same occurrence/incident. The Court, without a scintilla of doubt, was correct in holding that a case arising out of second FIR is a fit case for exercise of power under Section 482 of the Cr. P.C. and/or Article 226 of the Constitution. The relevant paragraphs are as follows:

**"18.[...] All other informations 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 with the scheme of CrPC.**

Take a case where an FIR mentions cognizable offence under Section 307 or 326 IPC and the investigating agency learns during the investigation or receives fresh information that the victim died, no fresh FIR under Section 302 IPC need be registered which will be irregular; in such a case alteration of the provision of law in the first FIR is the proper course to adopt. Let us consider a different situation in which H having killed W, his wife, informs the police that she is killed by an unknown person or knowing that W is killed by his mother or sister, H owns up the responsibility and during investigation the truth is detected; it does not require filing of fresh FIR against H — the real offender — who can be arraigned in the report under Section 173(2) or 173(8) CrPC, as the case may be. It is of course permissible for the investigating officer to send up a report to the Magistrate concerned even earlier that investigation is being directed against the person suspected to be the accused.

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20. From the above discussion it follows that 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 transaction or the same occurrence and file one or more reports as provided in Section 173 CrPC.

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27. A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the court. There cannot be any controversy that sub-section (8) of Section 173 CrPC empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In Narang case [(1979) 2 SCC 322 : 1979 SCC (Cri) 479] it was, however, observed that it would be appropriate to conduct further investigation with the permission of the court. However, 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)

99. In **Babubhai (supra)**, this Court laid down the “test of sameness” to determine whether a second FIR pertains to the very same incident or constitutes different parts of the same transaction. It held that if the answer is in the affirmative, the second FIR ought to be quashed. However, where the subsequent information discloses a distinct offence or version or sets up a counterclaim, the investigating agency is not precluded from proceeding thereon. The relevant observations read thus:—

**“20. Thus, in view of the above, the law on the subject emerges to the effect that an FIR under Section 154 CrPC is a very important document. It is the first information of a cognizable offence recorded by the officer in charge of the police station. It sets the machinery of criminal law in motion and marks the commencement of the investigation which ends with the formation of an opinion under Section 169 or 170 CrPC, as the case may be, and forwarding of a police report under Section 173 CrPC. Thus, it is quite possible that more than one piece of information be given to the police officer in charge of the police station in respect of the same incident involving one or more than one cognizable offences. In such a case, he need not enter each piece of information in the diary. All other information given orally or in writing after the commencement of the investigation into the facts mentioned in the first information report will be statements falling under Section 162 CrPC.**

**21. In such a case the court has to examine the facts and circumstances giving rise to both the FIRs and the test of sameness is to be applied to find out whether both the FIRs relate to the same incident in respect of the same occurrence or are in regard to the incidents which are two or more parts of the same transaction. If the answer is in the affirmative, the second FIR is liable to be quashed. However, in case, the contrary is proved, where the version in the second FIR is different and they are in respect of the two different incidents/crimes, the second FIR is permissible. In case in respect of the same incident the accused in the first FIR comes forward with a different version or**

**counterclaim, investigation on both the FIRs has to be conducted.”**

(Emphasis supplied)

100. This Court again reiterated that there cannot be more than one FIR for the same offence in **Anju Chaudhary v. State of U.P.**, reported in (2013) 6 SCC 384. It permitted registration of an FIR when the incident is found to be separate; offences are similar or different, or where the subsequent crime is of such magnitude that it does not fall within the scope of the FIR recorded first. The Court held that the right to investigate flows from the Cr. P.C., and the power of reinvestigation or de novo investigation is beyond the competence of the investigating agency. The “test of sameness” introduced in Babubhai (supra) was affirmed to ascertain whether both the FIRs relate to the same incident and same occurrence. The relevant observation reads thus:—

**“14. On the plain construction of the language and scheme of Sections 154, 156 and 190 of the Code, it cannot be construed or suggested that there can be more than one FIR about an occurrence. However, the opening words of Section 154 suggest that every information relating to commission of a cognizable offence shall be reduced into writing by the officer-in-charge of a police station. This implies that there has to be the first information report about an incident which constitutes a cognizable offence. The purpose of registering an FIR is to set the machinery of criminal investigation into motion, which culminates with filing of the police report in terms of Section 173(2) of the Code. It will, thus, be appropriate to follow the settled principle that there cannot be two FIRs registered for the same offence. However, where the incident is separate; offences are similar or different, or even where the subsequent crime is of such magnitude that it does not fall within the ambit and scope of the FIR recorded first, then a second FIR could be registered. The most important aspect is to examine the inbuilt safeguards provided by the legislature in the very language of Section 154 of the Code. These safeguards can be safely deduced from the principle akin to double jeopardy, rule of fair investigation and further to prevent abuse of power by the investigating authority of the police. Therefore, second FIR for the same incident cannot be registered. [...] More so, in the backdrop of the settled canons of criminal jurisprudence, reinvestigation or de novo investigation is beyond the competence of not only the investigating agency but even that of the learned Magistrate. The courts have taken this view primarily for the reason that it would be opposed to the scheme of the Code and more particularly Section 167(2) of the Code. (Ref. Reeta Nag v. State of W.B. [(2009) 9 SCC 129 : (2009) 3 SCC (Cri) 1051] and Vinay Tyagi v. Irshad Ali [(2013) 5 SCC 762] of the same date.)”**

**25. The first information report is a very important document, besides that it sets the machinery of criminal law in motion. It is a very material document on which the entire case of the prosecution is built. Upon registration of FIR, beginning of investigation in a case, collection of evidence during investigation and formation of the final opinion is the sequence which results in filing of a report under Section 173 of the Code. The possibility that more than one piece of information is given to the police officer-in-charge of a police station, in respect of the same incident involving one or more than one cognizable offences, cannot be ruled out. Other materials and information given to or received otherwise by the investigating officer would be statements covered under Section 162 of the Code. The court in order to examine the impact of one or more FIRs has to rationalise the facts and circumstances of each case and then apply the test of "sameness" to find out whether both FIRs relate to the same incident and to the same occurrence, are in regard to incidents which are two or more parts of the same transaction or relate completely to two distinct occurrences. If the answer falls in the first category, the second FIR may be liable to be quashed. However, in case the contrary is proved, whether the version of the second FIR is different and they are in respect of two different incidents/crimes, the second FIR is permissible, this is the view expressed by this Court in Babubhai v. State of Gujarat [(2010) 12 SCC 254 : (2011) 1 SCC (Cri) 336]. This judgment clearly spells out the distinction between two FIRs relating to the same incident and two FIRs relating to different incidents or occurrences of the same incident, etc."**

(Emphasis supplied)

101. This Court in **Arnab Ranjan Goswami (supra)**, again, had the occasion to hold that any information relating to the same cognizable offence, the same occurrence, or the incident giving rise to one or more cognizable offences, cannot be treated as a fresh first information report and is barred. Except in cases where the test of sameness is inapplicable or where a counter-case arises, registration of a subsequent FIR would amount to an abuse of the investigative process and would warrant the exercise of inherent powers under Section 482 Cr. P.C. and/or the extraordinary jurisdiction under Article 226 of the Constitution. The relevant observations read thus:—

**"31. The Court held that "there can be no second FIR" where the information concerns the same cognizable offence alleged in the first FIR or the same occurrence or incident which gives rise to one or more cognizable offences. This is due to the fact that the investigation covers within its ambit not just the alleged cognizable 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 : (T.T. Antony case [T.T. Antony v. State of Kerala, (2001) 6 SCC 181 : 2001 SCC (Cri) 1048], SCC p. 196, para 18)

“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 with the scheme of CrPC.”

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33. 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 cognizable 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 CrPC or Articles 226/227 of the Constitution.”

(Emphasis supplied)

102. Recently, in **State of Rajasthan v. Surendra Singh Rathore**, reported in 2025 SCC OnLine SC 358, Sanjay Karol, J., upon referring to the earlier decisions of this Court, laid down the principles regarding the permissibility of the registration of a second FIR. The relevant paragraphs have been reproduced hereinbelow:—

“9. From the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:

9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.

9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.

9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.

9.5 Where the incident is separate; offences are similar or different.”

(Emphasis supplied)

**vi. Whether the FIR No. 224/2022, having been lodged at the instance of a complainant other than a person prescribed under the unamended Section 4 of the U.P. Conversion Act, is liable to be quashed on that ground alone?**

103. One of the primary contentions of the petitioners seeking to challenge FIR No. 224/2022 was that Section 4 of the U.P. Conversion Act mandates that only an 'aggrieved person' or their relative by blood, marriage or adoption, can lodge an FIR with respect to the acts of unlawful conversion. However, the complainant in FIR No. 224/2022 being a person who does not qualify as a person eligible to lodge an FIR under Section 4, the FIR suffers from an incurable defect and is liable to be quashed on this ground alone.

104. While vehemently opposing the aforesaid contention canvassed on behalf of the appellant(s)/petitioners, the learned AG submitted that the general principle of criminal law is that investigation into an offence can be triggered by any information emanating from any source and thus notwithstanding the unamended Section 4 of the U.P. Conversion Act, the investigation relating to the offences under the U.P. Conversion Act and connected offences under the IPC can be undertaken with or without complaints made under Section 4 of the U.P. Conversion Act. The object of the unamended Section 4 was only to recognise the special locus of certain classes of people to complain of the offences defined under the UP Conversion Act, and it was not in any way meant to restrict the ambit of the provision to only the specified classes of persons. He emphasised that illegality is by reason of the breach of the law and it will be so independent of who informs and will always be so.

105. For the purpose of addressing the aforesaid contention of the appellant(s)/petitioner(s), it is important for us to refer to Section 4 of the U.P. Conversion Act. Section 4, as it stood prior to its amendment in 2024, is reproduced hereinbelow:

**"4. Person competent to lodge First Information Report.—Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption may lodge a First Information Report of such conversion which contravenes the provisions of Section 3."**

106. Section 4 came to be amended by the 2024 Amendment, and now stands thus:

**"4. Person competent to lodge First Information Report.—An information relating to the contravention of the provisions of the Act may be given by any person and the manner of giving such information shall be the same as given in Chapter XIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023)."**

107. The relevant extracts from the Statement of Objects and Reasons attached to the 2024 Amendment pertaining to the object behind the amendment of Section 4



are reproduced hereinbelow:

**“[...] as it has also become necessary to resolve certain difficulties that have arisen in the past in various cases regarding the interpretation of section 4 of the Act, it has been decided to amend the aforesaid Act.”**

108. A perusal of the Amendment Act, 2024 makes it amply clear that it is the unamended Section 4 of the U.P. Conversion Act which is applicable to FIRs sought to be quashed in the batch of matters under consideration, all of them having been lodged prior in time to the said Amendment. Thus, the pivotal question that falls for our determination is whether FIR No. 224/2022 could be said to have been lodged by a person as contemplated under Section 4 of the U.P. Conversion Act. The natural corollary to the same is whether an FIR could have been lodged on the basis of a complaint made by a person who does not fall within one of the categories specified in Section 4.

109. The unamended Section 4 of the U.P. Conversion Act stipulated that any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption can get an FIR registered for forceful religious conversion which contravenes the provisions of Section 3. A plain reading of the provision indicates that the intention of the legislature in prescribing a list of persons competent to lodge an FIR for contravention of the Act was to restrict the manner in which the prosecution under the U.P. Conversion Act could be initiated, the reason for the same being that the religious belief being an inherently personal and private aspect of an individual's identity, it is only such a person or persons closely associated to him, who would be competent to report any incident of forceful, fraudulent, deceitful or otherwise illegal conversion which is in contravention of Section 3.

110. The restricted nature of the unamended Section 4 of the U.P. Conversion Act was taken note of by the High Court in one of the impugned judgments dated 17.02.2023 passed in the Criminal Misc. Writ Petition No. 1814 of 2023 wherein it was observed thus:

**“The various categories of person enumerated in Section 4, who are competent to lodge the first information report are any aggrieved person. The words “any aggrieved person” at the very start of the said section can be interpreted to mean any person, especially since there is no provision under the I.P.C. or Cr. P.C., which bars or prohibits any person from lodging a first information report regarding cognizable offence. However, the words “any aggrieved person” in our considered opinion is qualified by the subsequent categories and the words his, her parents, brother, sisters or blood relations by marriage and adoption included. Therefore, the words “any aggrieved person”, if taken by themselves are extremely wide. The scope of the said term is completely whittled down by subsequent categories and therefore, it has to be said that any aggrieved**

person would be a person but is personally aggrieved by his or her fraudulent conversion be it an individual or in a mass conversion ceremony. Any interpretation to the contrary would render the remainder of Section 4 after the words “any aggrieved person” wholly redundant and also render the Section itself completely meaningless. Under the said circumstances, we are constrained to rule that the first information report dated 15.04.2022 was not lodged by a competent person. [...]”

(Emphasis supplied)

111. The High Court, in one another decision in **Jose Papachen (supra)**, also observed that the unamended Section 4 of the U.P. Conversion Act restricts the categories of persons who are competent to lodge an FIR for violation of Section 3. The relevant observations read thus:

**“16. It also requires to be noted that the instant first information was not lodged by the competent person as required under Section 4 of the Act of 2021. The various categories of person enumerated in Section 4, who are competent to lodge the first information report are any aggrieved person. The words “any aggrieved person” at the very start of the said section can be interpreted to mean any person, especially since there is no provision under the I.P.C. or Cr. P.C., which bars or prohibits any person from lodging a first information report regarding cognizable offence. However, the words “any aggrieved person” is qualified by the subsequent categories and the words his, her parents, brother, sisters or blood relations by marriage and adoption included. Therefore, the words “any aggrieved person”, if taken by themselves are extremely wide. The scope of the said term is completely whittled down by subsequent categories and therefore, it has to be said that any aggrieved person would be a person but is personally aggrieved by his or her fraudulent conversion be it an individual or in a mass conversion ceremony. Any interpretation to the contrary would render the remainder of Section 4 after the words “any aggrieved person” wholly redundant and also render the Section itself completely meaningless. Under the said circumstances the first information report dated 24-01-2023 was not lodged by a competent person.”**

(Emphasis supplied)

112. Undoubtedly, the U.P. Conversion Act is a piece of special legislation which introduces a somewhat different regime than the one prescribed under the Cr. P.C. Sub-section (1) of Section 7 stipulates that notwithstanding anything contained in the B.N.S.S., all offences under the U.P. Conversion Act shall be cognizable, non-bailable and exclusively triable by the Court of Session. Further, Sub-section (2)

of Section 7 provides that no person accused of an offence under the U.P. Conversion Act shall be released on bail unless the Public Prosecutor has been given an opportunity of opposing the bail application. These instances of departure from the usual criminal procedure indicate that the U.P. Conversion Act is a piece of special legislation enacted keeping in mind a special category of offences.

113. It is not uncommon for the legislature to enact legislations departing from the usual criminal procedure, keeping in mind the special needs which the legislation has been enacted to cater to. The scope of Section 32 of one such legislation, namely the Drugs and Cosmetics Act, 1940, was at the heart of the controversy in the decision of this Court in **Union of India v. Ashok Kumar Sharma**, reported in (2021) 12 SCC 674. Section 32 of the said Act prescribes four categories of persons who are competent to institute prosecution for the offences committed under the said Act. The provision reads thus:

**“32. Cognizance of offences— (1) No prosecution under this Chapter shall be instituted except by— (a) an Inspector; or (b) any gazetted officer of the Central Government or a State Government authorised in writing in this behalf by the Central Government or a State Government or by a general or special order made in this behalf by that Government; or (c) the person aggrieved; or (d) a recognised consumer association whether such person is a member of that association or not.**

**(2) Save as otherwise provided in this Act, no court inferior to that of a Court of Session shall try an offence punishable under this Chapter.**

**(3) Nothing contained in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Chapter.”**

114. The question which arose for the consideration of this Court was whether a Police Officer, not being specified as one of the persons who can initiate prosecution under Section 32, can file a report under Section 173 of the Cr. P.C. and whether the court can take cognizance of the offence based on such report. Answering the question in the negative, the Court held that being a special enactment, the procedure prescribed in the enactment has to be followed, and not otherwise. The relevant observations read thus:

**“46. The Scheme of the Act must be borne in mind when Section 32, which provides, inter alia, that an Inspector can set the ball rolling, is considered. The Inspectors, under the Act, are to possess the prescribed qualifications. The qualifications bear a nexus with the performance of the specialised duties which are to be performed under the Act. Apparently, knowledge about the**

drugs and cosmetics goes a long way in equipping them to perform their multifarious functions. Section 22 clothing the Inspector with powers must also be viewed thus in the context of the legislative value judgment that a complaint is to be moved by the Inspector under the Act and not by a police officer under CrPC. The Inspector is expected to inspect premises where drugs and cosmetics are being manufactured, sold, stocked, exhibited, offered for sale or distributed. Samples are to be taken at the points of manufacturing, selling, stocking and the points of delivery. He is expected also, where he has reason to believe that an offence under the Act has been committed, to search any person, enter any place, stop and search any vehicle, examine records, and documents and seize the same. Last but not the least, Section 22(1)(d) declares that he may exercise other powers as may be necessary for carrying out the purposes of Chapter IV or any Rules made thereunder. The elaborate procedure to be followed by the Inspectors is also provided by the law.

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49. Section 32 of the Act undoubtedly provides for taking cognizance of the offence by the court only at the instance of the four categories mentioned therein. They are:

(a) Inspector under the Act;

(b) Any Gazetted Officer empowered by the Central or the State Government;

(c) Aggrieved person; and

(d) Voluntary Association.

It is clear that the legislature has not included the police officer as a person who can move the court. Before the matter reaches the court, under Section 190 CrPC, ordinarily starting with the lodging of the first information report leading to the registration of the first information report, investigation is carried out culminating in a report under Section 173. The police report, in fact, is the report submitted under Section 173 CrPC to the court. Under Section 190 CrPC, the court may take cognizance on the basis of the police report. Such a procedure is alien to Section 32 of the Act. In other words, it is not open to the police officer to submit a report under Section 173 CrPC in regard to an offence under Chapter IV of the Act under Section 32. In regard to offences contemplated under Section 32(3), the police officer may have power as per the provisions concerned. Being a special enactment, the manner of dealing with the offences under the Act, would be governed by the provisions of the Act. It is to be noted that Section 32 declares that no court inferior to the Court of Session shall try offence punishable under Chapter IV. We have noticed that under Section 193 CrPC, no Court of Session can take cognizance of any offence as a court of original jurisdiction unless the case has been committed to it by a

Magistrate under CrPC. This is, undoubtedly, subject to the law providing expressly that that Court of Session may take cognizance of any offence as the court of original jurisdiction. There is no provision in the Act which expressly authorises the Special Court which is the Court of Session to take cognizance of the offence under Chapter IV. This means that the provisions of Chapters XV and XVI CrPC must be followed in regard to even offences falling under Chapter IV of the Act. Starting with Section 200 of the Act dealing with taking of cognizance by a Magistrate on a complaint, including examination of the witnesses produced by the complainant, the dismissal of an unworthy complaint under Section 203 and following the procedure under Section 202 in the case of postponement of issue of process are all steps to be followed. It is true that when the complaint under Section 32 is filed either by the Inspector or by the authorised Gazetted Officer being public servants under Section 200, the Magistrate is exempted from examining the complainant and witnesses.”  
(Emphasis supplied)

115. The Court also addressed the contention that as Section 154 of the Cr. P.C. mandates a police officer to register an FIR wherever any information about the commission of a cognizable offence is received, it would not be open to the police officer to refuse to register an FIR, and such a reading of Section 32 of the said Act would run contrary to the decision of this Court in **Lalita Kumari v. State of U.P.**, reported in (2014) 2 SCC 1. The Court rejected such contention and observed as follows:

**“80. In the said case, a Constitution Bench of this Court has held that registration of an FIR is mandatory under Section 154 CrPC, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. It was further held that a preliminary inquiry may be conducted only to ascertain whether a cognizable offence is disclosed or not, if the information received does not disclose a cognizable offence but indicates the need for such an inquiry. The Court has also indicated certain cases where a preliminary inquiry may be conducted, depending on the facts and circumstances of each case. They include matrimonial disputes, commercial offences and cases where there is abnormal delay/laches. This Court also held that the aforesaid were not exhaustive of all conditions which may warrant a preliminary inquiry.**

**81. We would think that this Court was not, in the said case, considering a case under the Act or cases similar to those under the Act, and we would think that having regard to the discussion which we have made and on a conspectus of the provisions of CrPC and Section 32 of the Act, the principle laid down in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri)**

524] is not attracted when an information is made before a police officer making out the commission of an offence under Chapter IV of the Act mandating a registration of an FIR under Section 154 CrPC.

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85. It is to be noted that the duty to register FIR, when information is received about a cognizable offence falling under Chapter IV of the Act, it is clear from the very inception that a police officer has no jurisdiction to investigate the offence. It is not a case of absence of territorial jurisdiction. No doubt, if it is a case of another police officer being empowered to investigate the offence in terms of powers under CrPC, the law is, as laid down, that there is the obligation to register an FIR and then make it over to the police station which has jurisdiction. In fact, a conflict, when in the context of Sections 178 to 185 CrPC, which constitute exceptions to the general principle laid down in Section 177 CrPC, the High Court is to decide the dispute, as is provided in Section 186 CrPC. If an information is relatable only to cognizable offences under Chapter IV of the Act, we would think that the police officer would be out of bounds and he has no role to play in the investigation as neither he nor any other police officer has any role to play in the investigation. His duty lies in referring the complainant to the Drugs Inspector concerned. If he is in receipt of information about an offence under Chapter IV of the Act, he must promptly notify the Drugs Inspector concerned."

(Emphasis supplied)

116. We are inclined to adopt the reasoning as assigned in **Ashok Kumar Sharma (supra)** as discussed above for the simple reason that the U.P. Conversion Act, being a special legislation, has prescribed certain special procedural norms as distinguished from the Cr. P.C. It is a settled position of law that the intention of the legislature should be construed from the plain text of the statute, and if the plain interpretation does not result into any absurdity or is not unworkable, then the courts should not depart from the meaning which is manifest from the plain text. It is only in cases where the text does not speak for itself, or more than one interpretation is possible, that the courts should resort to tools of statutory interpretation. In the case in hand, the words employed by the legislature in the unamended Section 4 of the U.P. Conversion Act are abundantly indicative of the intent of the legislature to only allow a certain specified category of persons to make a complaint for the violation of Section 3 of the said Act. Thus, we find no good reason to take the view that despite being a special legislation, Section 154 of the Cr. P.C. should be given primacy over Section 4 of the U.P. Conversion Act. We are also not inclined to accept the submission of the learned AG that Section 4 is a mere declaration and not a contradiction from the general scheme of Section 154 of the

Cr. P.C. for the simple reason that when the legislature has enacted special and more stringent provisions as regards other aspects covered by the said legislation, then a clause restricting the scope of initiation of prosecution under the same enactment cannot be casually construed as a mere surplusage. The specific declaration in Section 4 cannot be understood as a mere procedural nicety but has to be given its intended meaning to ensure that it fits in with the overall scheme of prosecution provided under the said legislation.

117. It is manifest from a plain reading of the statutory scheme of the unamended Section 4 that the initiation of prosecution for the alleged offence of illegal religious conversion stands circumscribed and may be set in motion only at the behest of the aggrieved individual or, in the alternative, by his or her immediate family members or blood relatives. The underlying rationale for such a restriction, in our opinion, is rooted in the recognition that the freedom to profess, practice, or propagate religion, and concomitantly the liberty to renounce or embrace a faith of one's choice, is a facet of the fundamental rights guaranteed under Articles 21 and 25 of the Constitution respectively. This liberty lies in the innermost domain of human conscience and decisional autonomy. To permit the initiation of criminal proceedings at the instance of strangers or unrelated third parties would amount to an impermissible intrusion into this protected sphere of individual freedom and would open the door to frivolous or motivated litigations, thereby diluting the constitutional guarantees of personal liberty and freedom of religion. As discussed above, this Court in **Shafin Jahan (supra)** underscored that the right to choose a faith or partner is intrinsic to the dignity and autonomy of the individual.

118. The legislature, in its wisdom, has consciously circumscribed the locus standi for instituting proceedings, recognising that only the person whose faith is directly in question, or those standing in proximate familial relation, are in a position to determine whether the act of conversion is the result of free volition or whether it bears the taint of coercion, fraud, or allurements. An unrelated third party, having no direct nexus with the individual concerned, is neither competent nor legitimately placed to assess the voluntariness of such a decision. This Court in **Rev. Stainislaus v. State of Madhya Pradesh & Ors**, reported in (1977) 1 SCC 677 clarified that while the right to propagate religion is protected under Article 25, it does not extend to conversions brought about by force or fraud. The statutory limitation on who may initiate proceedings, therefore, strikes a balance by ensuring that genuine grievances of those subjected to unlawful conversion are redressed, while simultaneously safeguarding the autonomy, dignity, and liberty of individuals from unwarranted intrusion and misuse of criminal process under the pretext of protecting religious freedom by persons masquerading as custodians of religion prodded by oblique motivations.

119. It is not in dispute that FIR No. 224/2022 came to be lodged at the behest of a person who does not fall within any of the categories specified under the

unamended Section 4 of the U.P. Conversion Act. It would not be out of place to mention that one of the seven categories illustratively mentioned by this Court in Bhajan Lal (supra) pertains to the FIRs similar to FIR No. 224/2022. The said category, in the words of this Court, reads thus:

**“(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.”**

(Emphasis supplied)

120. In addition to the legal infirmity going to the very root of the validity of FIR No. 224/2022, even upon a detailed perusal of the Case Diary and the chargesheet filed by the investigating authority, we fail to understand as to how the offences alleged in the FIR are made out against the accused persons.

121. A total of five chargesheets came to be filed after the completion of investigation in FIR No. 224/2022, the details of which are tabulated below:

S. No.	Chargesheet No.	Date	Offences charged

A perusal of the aforesaid chargesheets and relevant Case Diary entries indicates that primarily, the following material has been collected by the investigating authority in support of its case:

- a. Statements of victims;
- b. Statements of independent witnesses;
- c. Forensic report of the materials recovered in the course of search and seizure.

122. In all the said five chargesheets, the same six persons, namely Pramod Kumar Dixit, Rajesh Kumar Trivedi, Virendra Kumar, Sanjay Singh, Sri Keshan and Satyapal have been mentioned as the victims. We have gone through the affidavits of Pramod Kumar Dixit, Sanjay Singh and Rajesh Kumar Trivedi, all of which are dated 24.05.2022. It is interesting to note that the said three affidavits have been deposed in an identical fashion, except the name of the deponent. The e-stamp paper attached to the three affidavits bears the time stamp of 10:54, 10:55 and 10:52 AM respectively. The only reasonable inference that can be drawn from a perusal of the said three affidavits submitted by the victim-witnesses is that the same have been



prepared in a cyclostyled manner, with the same draft having been copied and pasted after changing the personal details of the deponents. We are also at a loss to understand the requirement of submission of affidavits by the victim-witnesses to the Superintendent of Police. The scheme provided under the Cr. P.C. does not require the making of Section 161 statements on oath. As far as statements under Section 164 are concerned, they are to be made before a judicial officer. It is hardly necessary to mention in such circumstances that the statements of the victim-witnesses do not inspire any confidence in supporting the prosecution version contained in the FIR. As a translated copy of the same is not on record, we are reproducing the original untranslated version of the affidavit submitted by Sanjay Singh hereinbelow:

(Emphasis supplied)

123. A perusal of the extract reproduced above to which emphasis has been supplied indicates the glaring error in the making of the above affidavit. While the name of the deponent is Sanjay Singh, in paragraph 7 of the affidavit, he has deposed that his name in the Aadhar card was changed from "Rajesh Kumar Dwivedi" to Rajesh Kumar Samson" by the accused persons.

124. The same error can also be found in paragraph 8 of the affidavit sworn by Pramod Kumar Dixit, which we are reproducing below:

125. We are of the view that nothing more is required to be said as regards the credibility of the affidavits submitted by the aforesaid three victim witnesses in light of the discrepancies that we have adverted to in the preceding paragraph.

126. A reading of the Section 161 Cr. P.C. statement of victim witness Sri Keshan forming part of Case Diary No. 69 indicates a desperate attempt on the part of the investigating authorities in trying to overcome the illegality committed in registering FIR No. 224/2022 at the instance of a person not falling in one of the categories specified in the unamended Section 4 of the U.P. Conversion Act. The statement is reproduced below:

**"Statement of victim/witness: Sh. Keshan, S/o Guru Prasad. Ro Aswar, Tarapur, Police Station-Malwa, District-Fatehpur. On enquiry stated that I had given my statement earlier. On 14.04.2022, at the Evangelical Church of India, Hariharganj. Fatehpur. Pastor Vijay Masih and others converted my religion. I am a victim. A case had been registered in this regard by the police earlier and I had given my oral statement when asked by the police. I am giving written complaint. FIR No. 224/2022, P.S.-Kotwali, District-Fatehpur district may be considered as my case because I am a victim and it is my right to file the case. Thus, giving my statement."**

(Emphasis supplied)

127. We have also perused the Section 161 statements of Virendra Kumar and Sanjay Singh recorded on 01.12.2023 and 20.11.2022 respectively, forming part of Case Diary Nos. 38 and 29 respectively and we are dismayed to note that these two statements are also virtually identical to each other. It evades our understanding as to how Section 161 statements of two victim-witness, recorded more than a year apart from each other bear such a striking degree of similarity, not just in the version of the events narrated, but also in the structuring of the sentences, style of narration, and length of the statement. The only inference that we are able to draw looking at such indistinguishable statements of victim/witnesses is that the statements have possibly been reproduced from a pre-decided prototype with change in the personal particulars depending upon the witness making the statement.

128. At the cost of brevity, we are reproducing the translated versions of the statements of Virendra Kumar and Sanjay Singh hereinbelow: Further, the statement made by Sanjay Singh in the affidavit dated 24.05.2022 referred to and reproduced above, and the Section 161 statement reproduced hereinbelow, are materially different and fail to inspire confidence as regards the veracity of the version narrated.

<b>Section 161 Cr.P.C. statement of Sanjay Singh dated 20.11.2022</b>	<b>Section 161 Cr.P.C. statement of Virendra Kumar dated 01.12.2023</b>
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<p>Statement of the victim/witness: Shri Sanjay Singh, S/o Rajendra Singh, R/o Krishna Colony, Hariharganj, PS-Kotwali, Fatehpur, aged 38 Years, stated on inquiry that sir, I am a Hindu and about 09 months ago I met Father Vijay Masih, son of Amar Singh, resident of Evangelical Church of India, Hariharganj police station, Kotwali district, Fatehpur. He while tempting me to adopt Christianity, told that if you adopt Christianity, you will be treated for free in our Mission Hospital and you will be given house and money through our church. Your life and that of your family will change. I got influenced by the words of Father Vijay Masih and started going to church. While coming to the church, Ratna Dawood, wife of Dawood Masih, Late Mission Hospital, PS Kotwali District, Fatehpur, Address, Dehradun Pal Mohalla, Jolly Grant, Mob. No. 6392565880, Vinay Kumar, son of Sobhanath, Namrata Kumari, wife of Vinay Kumar, Current address Mission Hospital, Fatehpur, Ong Dorjee Lepcha, son of T.T. Lepcha resident Ladhori Community Hospital Ladhori Dehradun Mansuri Uttarakhand, Chandkana Lepcha wife of Ong Dorjee Lepcha resident Ladhori Community Hospital Ladhori Dehradun Mansuri Uttarakhand Current Address Mission Hospital Police Station Kotwali District Fatehpur, Uday Bhanu s/o Sudardadha, Prema Bhanu W/o Uday Bhanu, resident of E-1 Bada Sagar Road, Bradwell Christian Hospital Fatehpur Abunagar Fatehpur, Vijay Kumar Samson son of late D. Samson, Batrice Samson wife of Vijay Kumar Samson, Ruth Shalini Samson daughter of Vijay Kumar Samson, Vipin Kumar Samson son of Vijay Kumar Samson, Reshma Samson wife of Vipin Kumar Samson, Samuel David Samson son of Vijay Kumar Samson, Roma Shalini Samson wife Samuel David Samson R/o Patel Nagar, Margaret Sharma wife Cornelius Sharma, Cornelius Sharma son of Shambhu Nath Sharma R/o Ashirwad Upper Cart Road Kalimpong 1 Kalimpong Darjeeling West Bengal, Mahima Sharma daughter of Cornelius Sharma, Sharoon daughter of Letare Jaria, Pyara Samad R/o Bada Sagar Road, Bradwell Christian Hospital Fatehpur, Geeta Masih W/o Narhari Yakub Masih, R/o Bada Sagar Road Bradwell Christian Hospital Fatehpur, Narhari Yakub Masih S/o Dharma, R/o Bada Sagar Road Bradwell Christian Hospital Fatehpur, Johnson Jacob S/o Narhari Yakub Masih, R/o Mission Hospital, Mukul Kumar son of Suresh Chand, R/o Railbazar, Harijan Basti, Madhuri Panna wife of Kameshwar Kachhap, resident of Thema village Ravda Palamu Jharkhand, Jyoti Monalisa W/o Arpit Kumar, Meenakshi Tirkey daughter Gregory Tirkir R/o Mission Hospital, Anju Rani wife of Bhanu Pratap Singh, Bhanu Pratap Singh son Chandrabhushan, R/o Faridpur, Bindaki Dawood Masih son of Diwan Masih R/o village Jolly Ghat Pal Mohalla Jolly Ghat Dehradun Uttarakhand Current Address Mission Hospital, Ashish Imanukan son of Joseph Imanuel resident of Mohalla Abunagar police station Kotwali district Fatehpur, Anil Singh son of Sumer Singh resident of Baba Ka Purva police station Hathgaon district Fatehpur, Sanjay Samuel Luthal son of Arthur Henry Luthal resident of 6B 509 AwasVikas Badpur Fatehgarh Farrukhabad, Manoj Kumar son of Shri Ram Valmiki resident of Kadhli police station Malwa, James Pradhan son of Late Keshav Nayak Pradhan, residence of Utraula Balrampur Uttar Pradesh Current Address Mission Hospital Police Station Kotwali District Fatehpur, Premnath son of Late Bihari Lal Valmiki resident of Railbazar, Chhote Lal son of Ganga Prasad resident Turab Ali Ka Purva, police station Kotwali Fatehpur, Rajesh Singh son of Mukandev resident of Tambeshwar Temple Jail Road Police Station Kotwali district Fatehpur, Vijay Maseed son of Late Samuel resident of Chunawali Gali Hariharganj police station Kotwali district Fatehpur, Vijay Singh son of Chhed resident of Rasulpur police station Hussainganj district Fatehpur Hall address Radhanagar police station Kotwali district Fatehpur, Ashish Kumar son of Shri Ramnarayan resident of Buxpur (Kimidiyapur) Police station Radhanagar district Fatehpur, Prince son of Asharam resident Buxpur (Kimidiyapur) Radhanagar district Fatehpur Pooja daughter Shri Ram Narayan resident Buxpur (Kimidiyapur) police station Radhanagar district Fatehpur, Renuka Singh wife of Rajesh Singh resident of 11 D Jail Road behind the temple Police station Kotwali district Fatehpur, Nasir Masur Son late Masoor Ahmed resident of Kheldar police station Kotwali district Fatehpur, Shava Zahid son Zahid Hussain resident Kheldar police station Kotwali district Fatehpur, Vikram Singh son late Ram Singh resident Arabpur police station Kotwali district Fatehpur had become well acquainted with the above people while coming to the church and the above people changed my religion from Hindu to Christianity and also gave me Rs 5,000/- and took my Aadhar card and said that by changing your name in the Aadhar card according to Christianity, your Aadhar card will be given to you. After a few days, I felt this was wrong, so I asked for my Aadhaar card from the abovementioned people and when I told them about staying in the Hindu religion, then the abovementioned people got angry and said that now you will remain a Christian and if you open your mouth anywhere, we will kill you. Our organization is very big. In this, money comes from abroad, you keep your mouth shut, you will be given more money, your entire family will be treated for free in our mission hospital and you will also be given a job and soon you will also be given a permanent house by our missionaries. Sir, I was very scared. I did not say anything to anyone about my forced religious conversion. Sir, when these people started being caught and people from Hindu religious organizations came forward and asked to help, then I also got courage and came with them. I am telling you the incident that happened. Sir, the abovementioned people are very influential, they will also try to get the statement changed, sir. I have also brought along the photocopy of my Aadhaar card which I am giving you. Sir, I have told you what has been done with me, This is my statement.</p>	<p>Statement of the victim/witness: Shri Virendra Kumar, S/o Dinesh Chand, R/o Hariharganj, Nappi Ka Hata, PS-Kotwali, Fatehpur, aged 38 Years, stated on inquiry that sir, I am a Hindu and about 09 months ago I met Father Vijay Masih, son of Amar Singh, resident of Evangelical Church of India, Hariharganj police station, Kotwali district, Fatehpur. He while tempting me to adopt Christianity, told that if you adopt Christianity, you will be treated for free in our Mission Hospital and you will be given house and money through our church. Your life and that of your family will change. I got influenced by the words of Father Vijay Masih and started going to church. While coming to the church, Ratna Dawood, wife of Dawood Masih, Late Mission Hospital, PS Kotwali District, Fatehpur, Address, Dehradun Pal Mohalla, Jolly Grant, Mob. No. 6392565880, Vinay Kumar, son of Sobhanath, Namrata Kumari, wife of Vinay Kumar, Current address Mission Hospital, Fatehpur, Ong Dorjee Lepcha, son of T.T. Lepcha resident Ladhori Community Hospital Ladhori Dehradun Mansuri Uttarakhand, Chandkana Lepcha wife of Ong Dorjee Lepcha resident Ladhori Community Hospital Ladhori Dehradun Mansuri Uttarakhand Current Address Mission Hospital Police Station Kotwali District Fatehpur, Uday Bhanu s/o Sudardadha, Prema Bhanu W/o Uday Bhanu, resident of E-1 Bada Sagar Road, Bradwell Christian Hospital Fatehpur Abunagar Fatehpur, Vijay Kumar Samson son of late D. Samson, Batrice Samson wife of Vijay Kumar Samson, Ruth Shalini Samson daughter of Vijay Kumar Samson, Vipin Kumar Samson son of Vijay Kumar Samson, Reshma Samson wife of Vipin Kumar Samson, Samuel David Samson son of Vijay Kumar Samson, Roma Shalini Samson wife Samuel David Samson R/o Patel Nagar, Margaret Sharma wife Cornelius Sharma, Cornelius Sharma son of Shambhu Nath Sharma R/o Ashirwad Upper Cart Road Kalimpong 1 Kalimpong Darjeeling West Bengal, Mahima Sharma daughter of Cornelius Sharma, Sharoon daughter of Letare Jaria, Pyara Samad R/o Bada Sagar Road, Bradwell Christian Hospital Fatehpur, Geeta Masih W/o Narhari Yakub Masih, R/o Bada Sagar Road Bradwell Christian Hospital Fatehpur, Narhari Yakub Masih S/o Dharma, R/o Bada Sagar Road Bradwell Christian Hospital Fatehpur, Johnson Jacob S/o Narhari Yakub Masih, R/o Mission Hospital Mukul Kumar son of Suresh Chand, R/o Railbazar, Harijan Basti, Madhuri Panna wife of Kamesh Kumar alias Nayan Sukh Panna, resident of village Lohardaga Jharkhand. Kamesh Kumar son of Satyaram, Sunena Kujur son of Bhaismudo Post Masmano police station Lohardaga Masmano Thakurgaon Prabal Kujur, Ujjayalen Topoyo daughter of Lavash Topoyo, Neelmani Topoyo wife of Jesus Topoyo, Arpit Kumar son of Kameshwar Kachhap, resident of Thema village Ravda Palamu Jharkhand, Jyoti Monalisa W/o Arpit Kumar, Meenakshi Tirkey daughter Gregory Tirkir R/o Mission Hospital, Anju Rani wife of Bhanu Pratap Singh, Bhanu Pratap Singh son Chandrabhushan, R/o Faridpur, Bindaki Dawood Masih son of Diwan Masih R/o village Jolly Ghat Pal Mohalla Jolly Ghat Dehradun Uttarakhand Current Address Mission Hospital, Ashish Imanukan son of Joseph Imanuel resident of Mohalla Abunagar police station Kotwali district Fatehpur, Anil Singh son of Sumer Singh resident of Baba Ka Purva police station Hathgaon district Fatehpur, Sanjay Samuel Luthal son of Arthur Henry Luthal resident of 6B 509 AwasVikas Badpur Fatehgarh Farrukhabad, Manoj Kumar son of Shri Ram Valmiki resident of Kadhli police station Malwa, James Pradhan son of Late Keshav Nayak Pradhan, residence of Utraula Balrampur Uttar Pradesh Current Address Mission Hospital Police Station Kotwali District Fatehpur, Premnath son of Late Bihari Lal Valmiki resident of Railbazar, Chhote Lal son of Ganga Prasad resident Turab Ali Ka Purva, police station Kotwali Fatehpur, Rajesh Singh son of Mukandev resident of Tambeshwar Temple Jail Road Police Station Kotwali district Fatehpur, Vijay Maseed son of Late Samuel resident of Chunawali Gali Hariharganj police station Kotwali district Fatehpur, Vijay Singh son of Chhed resident of Rasulpur police station Hussainganj district Fatehpur Hall address Radhanagar police station Kotwali district Fatehpur, Ashish Kumar son of Shri Ramnarayan resident of Buxpur (Kimidiyapur) Police station Radhanagar district Fatehpur, Prince son of Asharam resident Buxpur (Kimidiyapur) Radhanagar district Fatehpur Pooja daughter Shri Ram Narayan resident Buxpur (Kimidiyapur) police station Radhanagar district Fatehpur, Renuka Singh wife of Rajesh Singh resident of 11 D Jail Road behind the temple Police station Kotwali district Fatehpur, Nasir Masur Son late Masoor Ahmed resident of Kheldar police station Kotwali district Fatehpur, Shava Zahid son Zahid Hussain resident Kheldar police station Kotwali district Fatehpur, Vikram Singh son late Ram Singh resident Arabpur police station Kotwali district Fatehpur had become well acquainted with the above people while coming to the church and the above people changed my religion from Hindu to Christianity and also gave me Rs 3,000/- as a lure and took my Aadhar card and said that by changing your name in the Aadhar card according to Christianity, your Aadhar card will be given to you. After a few days, I felt this was wrong, so I asked for my Aadhaar card from the abovementioned people and when I told them about staying in the Hindu religion, then the abovementioned people got angry and said that now you will remain a Christian and if you open your mouth anywhere, we will kill you. Our organization is very big. In this, money comes from abroad, you keep your mouth shut, you will be given more money, your entire family will be treated for free in our mission hospital and you will also be given a job and soon you will also be given a permanent house by our missionaries. Sir, I was very scared. I did not say anything to anyone about my forced religious conversion. Sir, when these people started being caught and people from Hindu religious organizations came forward and asked to help, then I also got courage and came with them. I am telling you the incident that happened. Sir, the abovementioned people are very influential, they will also try to get the statement changed, sir. I have also brought along the photocopy of my original Aadhaar card which I am giving you. Sir, the names of the abovementioned people may definitely be Hindu or Muslim but after accepting Christianity, they target the poor Dalit helpless people and work to lure and tempt them to convert from their religion to Christianity. We also started going to church by believing in them under the name of Hinduana, but after knowing about their mission, I stopped going to church and when they started getting caught, 1 gathered courage to give you a statement. Sir, I have now started believing in Hindu religion again. Sir, I have told you the truth. This is my statement.</p>
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129. The statements of a number of other witnesses other than the victim-witnesses were also recorded during the course of investigation. We have gone through the statements of a number of such other witnesses as well, however, we are at a loss to

understand how these statements would help the prosecution in establishing its case as alleged in the FIR. To illustrate, the statements of Rambabu Raidas and Ranjeet Paswan respectively, forming part of CD-120, nowhere mention anything about the alleged incident of mass religious conversion dated 14.04.2022, relating to which FIR No. 224/2022 had been registered. Further, the statements of the said two witnesses are recorded in a similar fashion and merely state that an organization named World Vision used to frequently visit their villages and conduct events wherein goods were distributed to the members of the poor and marginalised sections. Pertinently, the witnesses have stated in their statements that they have not converted themselves from Hinduism to Christianity. We deem it appropriate to reproduce the statements of Rambabu Raidas and Ranjeet Paswan respectively hereinbelow to better illustrate our observations:

<b>Statement of Rambabu Raidas dated 26.03.2023</b>	<b>Statement of Ranjeet Paswan dated 26.03.2023</b>
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<p>Statement Aadhaar Card Holder/Beneficiary: Rambabu Raidas, son of Ram Khelavan Raidas, aged 45 years, resident of Village Aswa Buxspur, Police Station-Thariyanv, Fatehpur Mob. No. 7398429094, was interrogated by showing the Aadhar card of his changed name whose number is 405081728240. On enquiry, the said Rambabu stated that sir, I live in the village and I work as a labourer in the village itself. Sir, many people from my village often used to go to the meetings organized by Word Vision organization and used to bring back a lot of household items from there. Sir, there are many volunteers of Word Vision roaming in my village who used to take people to meetings by telling them about Word Vision and also used to teach village children at their home for free and also used to provide books, pencils, food etc. to the children. Sir, once I also went to the meeting of Word Vision organization. Sir, many people from my village and nearby villages were gathered there. Sir, the manager of Word Vision organization who was calling himself Tappa Steve had also come and I was also given a bicycle by Tappa Steve who was calling himself the manager of Word Vision. Sir, everyone there got free food and the manager of Word Vision and the people of the organization were telling everyone that the blessings of Lord Jesus are showering on you and you will be given more things as gifts. Sir, there I saw with my own eyes that a lot of essential items were being given to helpless and less educated people of village, including ration for home, sewing machine, paddy hut, bicycle for children, sheep, goat, buffalo, etc. by the manager and other people of Word Vision organization Fatehpur in the name of Word Vision and all were given food and refreshment free of cost. Sir, the people of Word Vision used to gather everyone and tell various things and, in the meeting, and they used to ask for the Aadhaar cards of the people gathered and used to say that from today onwards you people are joining Word Vision and now you will get all the facilities for free and you will be treated for free by the owner of the hospital, Mathew, in the Mission Hospital located in Fatehpur. Sir, I had also given my Aadhar card to Word Vision. Sir, I had got a bicycle about 02 years ago. After that, whenever the people of Word Vision held a meeting in the village, I used to go there and the manager and other members of Word Vision used to distribute free goods to the people and were also fed good food there. Sir, I have not changed my religion. Sir, I am still in Hindu religion. Sir, my Aadhar number is the same as the original Aadhar card, but these people have taken my Aadhar card and without my knowledge, tampered with my Aadhar card and have added the Christian surname Joseph in my name. Sir, in the Aadhar card I have, my name is still written as Rambabu and I carry this Aadhar card everywhere. Sir, like me, many people of the village were lured into their fold by Word Vision. Sir, for about 6-7 months, even volunteers from Word Vision are not seen in the village, nor is any meeting being conducted by the manager of Word Vision. Before this, people of Word Vision organization used to come to the village often. Sir, I have no further information as to people of World Vision have put the name of Christianity in the Aadhar cards of how many people. Sir, please get information in the village. Many people in the village will tell you everything about World Vision.</p>	<p>Statement Aadhaar Card Holder/Beneficiary: Ranjit Paswan, son of Sukru Paswan, aged 65 years, resident of Village-Aswa Buxspur, Police Station-Thariyanv, Fatehpur, Mob. No. 9170393914, when he was inquired by showing the Aadhar card of his changed name whose number is 993523827140, then the said Ranjit Paswan, on enquiry stated that sir, I support my family by working hard. Sir, in my village, there are many volunteers of Word Vision organization Fatehpur, who used to roam around the village and tell the helpless, less educated people of the village about Word Vision India organization and by gathering everyone at one place, they used to provide the items for need like ration for the house, sewing machine, paddy hut, bicycle to the elderly, sheep, goat, buffalo, etc. in the name of Word Vision and also provided free food and snacks to everyone. Sir volunteers also taught the village children for free and used to give books and many other things to the children for free. Volunteers always told that all these arrangements are made by the Chief Manager of Word Vision. The name of the manager was Teppa, which was a Christian name. I don't remember the full name, but the people of Word Vision, including their chief manager and many members of the organization, used to gather the people of the village and tell them various things in the meetings. They used to ask for people's Aadhar cards and say that you people are joining Word Vision from today, now you will be given all the facilities for free and you will be treated for free in the Mission Hospital located in Fatehpur. Sir, I had also given my Aadhar card to Word Vision. I got about 20 kg ration to eat from Word Vision which included pulses, rice, flour, salt etc. Sir, I got all this about 02 years ago. Sir, I have not changed my religion. Even today I am a Hindu. I am still a Hindu by religion and believe in Hindu religion only. Sir, my Aadhar number is the same as the original Aadhar card, but these people have taken my Aadhar card and without my knowledge, tampered with my Aadhar card and have added the Christian surname Samson in my name instead of Paswan. Sir, in the Aadhaar card I have, even today my name is written as Ranjit Paswan. Sir, for about -7 months, even volunteers from Word Vision are not seen in the village, nor is any meeting organized by the manager of Word Vision. Earlier, the Chief Manager of Word Vision, Teppa, along with his other members, often held meetings in every village and distributed gifts etc. to the people. Sir, I have no further information as to people of World Vision have put the name of Christianity in the Aadhar cards of how many people. Sir, like me, many other people of the village have received many essential items from Word Vision and Aadhar cards of many people have also been received by the manager and other members of Word Vision.</p>
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130. What becomes clear from a perusal of the aforesaid statements of other witnesses is that neither have these witnesses undergone unlawful religious conversion, nor were they present at the place of the alleged mass conversion dated

14.04.2022. Further, the allegations of forgery in the Aadhar cards also lack credible documentary material to support the same. Pertinently, the Aadhar cards which have been gathered as a part of the Case Diary are different not only in the surnames of the witnesses, but the photographs of the individuals are also different from the Aadhar cards which are sought to be portrayed as the "original" cards. What is also pertinent to take note of is that the investigating authority has failed to attach any report of the competent authority responsible for issuing Aadhar cards to the effect that the cards seized by the investigating authority are forged and no such cards have been issued by the competent authority.

131. Further, no offence under the Aadhar Act, 2016 has been added against the accused persons. We are not oblivious to the fact that there is a procedure for updating the personal details in the Aadhar cards, and it would be open to an individual who has undergone religious conversion voluntarily, to suitably get their Aadhar card amended to reflect the desired change in their identity. In the absence of any material indicating that the Aadhar cards gathered during search and seizure are forged and not updated ones, we find it difficult to assume the same. Further, mere recovery of Aadhar cards and card printing machine, does not indicate towards the commission of an offence on its own in the absence of explicit proof that the setup was being utilized to print forged Aadhar cards and not the updated ones as per the prescribed procedure, or for printing identity cards of the students and staff at the institution from where the machine was recovered.

132. The forensic report provided by the respondent no. 1 provides details about the materials seized by the investigating authorities from the possession of a few of the accused persons, including mobile phones, hard disks, etc. Most of the videos and images are description of the activities and drives conducted by an organization by the name World Vision. Pertinently, no material is directly linked to the incident alleged in FIR No. 224/2022. Moreover, we do not find from a reading of the U.P. Conversion Act that organization of religious gatherings or doing charity work in the name of religion has also been made a criminal offence. No provision in the IPC prohibits such activities too. No irregularity in the funding of the organization from international sources has been pointed out. More so, in case of any such irregularity, a number of provisions of the relevant legislations could have been invoked to deal with an erring organization. However, none of such provisions have been invoked in the present case. Receiving foreign aid and carrying out charitable work, even in the name of religion, ipso facto is not a punishable offence under any of the legislations.

133. Thus, in light of the aforesaid discussion on facts as well as law, we are of the view that FIR No. 224/2022 not only suffers from an incurable legal defect, having been lodged by a person not competent to do the same as per the then prevailing statutory scheme, but also the materials collected during the course of investigation lack credibility and fall hopelessly short of the standard necessary for permitting

criminal prosecution to proceed on the strength of such materials. We are fully conscious that when offences are made out from a prima facie reading of the FIR the courts must exercise restraint in interfering with the continuation of criminal proceedings. However, we have not only gone through the FIR but also the materials gathered during the course of investigation. The hands of the Court cannot be said to be tied where on overall view of the matter, it appears that continuation of criminal proceedings would result in a travesty of justice, even when the materials gathered may satisfy the ingredients necessary to constitute the offence. The dictum in **Mohamad Wajid (supra)** calls upon the courts to read between the lines if the need so arises from an overall understanding of the circumstances emerging from the record. We have not only gone through the voluminous materials placed on record by the respondent no. 1 but have also read between the lines being compelled by the apparent discrepancies as pointed above.

134. In such circumstances, we are of the considered view that the only course that would meet the ends of justice is to quash the said FIR as well as all consequential legal proceedings emanating therefrom in exercise of the powers conferred on this Court by Article 32 of the Constitution.

**vii. Whether FIR No. 47/2023 and the consequential proceedings arising therefrom are liable to be quashed?**

135. FIR No. 47/2023 was registered on 20.01.2023 at the instance of the complainant viz., Sarvendra Vikram Singh, who inter alia alleged that he was unlawfully converted from Hinduism to Christianity on 25.12.2021. A total of five chargesheets came to be filed after the completion of investigation in the said FIR dated 19.04.2023, 30.09.2023, 04.11.2023, 01.12.2023 and 18.12.2023 respectively, against a total of 10 accused persons, including the Petitioners in the W.P. (Crl.) No. 123 of 2023, for the offences punishable under Sections 120-B, 420, 467, 468 and 471 of the IPC respectively, and Section(s) 3, 5(1) and 8(1) of the U.P. Conversion Act respectively.

136. Although the offence pertains to a different alleged incident than the incident alleged in FIR Nos. 224/22, 54/23, 55/23 and 60/23 respectively, a perusal of the materials on record in the form of chargesheet and Case Diary brings out striking similarities between the witnesses in the chargesheet filed in the other FIRs and the chargesheet filed in the FIR in consideration.

137. Besides the statement of the complainant, the Respondent No. 1 has placed reliance on few statements of independent witnesses and the description of the contents of a video collected by the investigating authorities and forming part of the Case Diary 18. We have perused the statements and also the summary of the video footage. In the video footage summary, it has been described that one of the accused persons is giving a speech in a gathering. It is alleged therein that the accused is trying to induce and allure the persons present by offering them property, comfort and wealth. However, upon translating the contents of the said

video summary, we found that the accused person is referring to a Biblical verse which reads thus - **“Psalm 2:8 - Ask me, and I will make the nations your inheritance, the ends of the earth your possession.”** The rest of the content in the video summary also seems to be a narration from theological excerpts and anecdotes. We are at a loss to understand as to how such religious gathering could be found to be in contravention to the provisions of the law, when no direct attempt to allure or induce with a view to cause conversion could be traced.

138. Further, we have also gone through the statements of the independent witnesses. It is pertinent to mention that the statements of two witnesses, namely, Jhuri Raidas and Ranjeet Paswan respectively, recorded on 27.03.2023, are a replica of their Section 161 statements recorded on 26.03.2023 during the investigation of FIR No. 224/2022. The inescapable conclusion that we are constrained to draw from such mechanical investigation and recording of statements is that of a severe lack of bona fides. It seems that the entire process of investigation was not an attempt to uncover the truth of the allegations, but rather to find ways to somehow substantiate the allegations levelled in the FIR.

139. The inexplicable delay in the registration of FIR Nos. 47, 54, 55 and 60 of 2023 respectively coupled with the fact that all came to be lodged at a time when the legality of FIR No. 224/2022 had come under question, alongwith the grave inconsistencies in the materials gathered during the course of investigation - cyclostyled witness statements across different FIRs; prototype statement of different witnesses in the same FIR; false affidavits; etc. - have compelled us to exercise our writ jurisdiction under Article 32 to bring an end to these proceedings.

140. Where the credentials of the investigation are already lacking in genuineness and credibility in relation to the other FIRs registered at the same police station for similar offences, we are of the view that it wouldn't be prudent to allow the continuation of criminal proceedings in relation to the present FIR as well.

**viii. Whether FIR Nos. 55/23 and 60/23 respectively are hit by the principle laid down in T.T. Antony (supra) and are thus liable to be quashed?**

141. As discussed at the outset, despite acknowledging that the contents of FIR Nos. 55 and 60 respectively are virtual reproductions of the allegations made in FIR No. 54/2023, the High Court refused to quash the same on the ground that the validity of FIR No. 54 had been affirmed by a coordinate bench of the High Court, in light of the illegality in the registration of FIR No. 224/2022.

142. It is not in dispute that FIR Nos. 54, 55 and 60 of 2023 respectively were lodged at the same police station within a period of less than 24 hours. Further, except for the relevant particulars of the complainants, the three FIRs are virtual reproductions of each other and have been registered in a cyclostyled manner. It is further not in dispute that all the said three FIRs pertain to the same alleged incident dated 14.04.2022, which was also the subject matter of FIR No. 224/2022.



143. What is most glaring in FIR Nos. 54 and 55 of 2023 respectively, is that the said FIRs have been lodged at the instance of two persons who claim to be the victims of mass conversion. However, the very same persons in their Section 161 Cr. P.C. statement before the Police stated that they were present with the complainant in FIR No. 224/2022 at the time the alleged offence took place.

144. The learned AG made a submission that FIR Nos. 54, 55 and 60 respectively having been lodged on the basis of complaints made by three different individuals, i.e., the victims of illegal conversion, the same cannot be said to be multiple FIRs arising out of the same incident, and thus there was no infirmity in lodging three different FIRs.

145. In response to the aforesaid submission, Mr. Dave, the learned Senior Counsel, submitted that the incident dated 14.04.2022 was allegedly an incident of mass conversion said to have been taking place at the Evangelical Church, Fatehpur. Mass conversion being an offence punishable separately under Section 5 of the U.P. Conversion Act, all the three incidents pertain to the same alleged incident of mass conversion and thus, except for the first FIR pertaining to the said incident, all subsequent FIRs are liable to be quashed.

146. We find force in the submission of Mr. Dave that except for the change in the names of the complainants, the three FIRs are identical and have also been registered under identical provisions of the IPC and the U.P. Conversion Act respectively.

147. In the light of the aforesaid discussion on impermissibility of multiple FIRs in relation to the same incident, we are constrained to hold that FIR Nos. 55/2023 and 60/2023 respectively cannot stand and ought to be quashed.

**ix. Whether the High Court committed any error in refusing to quash FIR No. 54/2023?**

148. FIR No. 54/2023 came to be registered on the basis of the complaint made by one Virendra Kumar, who, inter alia, alleged to have been a victim of the mass conversion that took place at the Evangelical Church, Fatehpur on 14.04.2022. Pertinently, the complaint was made more than nine months after the alleged incident took place.

149. The petitioners pointed out that a number of statements of the complainant, viz., Virendra Kumar, were recorded during the course of investigation in FIR No. 224/2022. In his statement recorded on 15.04.2022, that is, the day of the registration of FIR No. 224/2022, Virendra Kumar categorically stated that he was one of the persons who had accompanied the informant in FIR No. 224/2022 to the Evangelical Church, Fatehpur, upon receiving information about the alleged unlawful conversion going on at the Church. Pertinently, the statement of Sanjay Singh was also recorded along with that of Virendra Singh on 15.04.2022 in which he too stated that he was one of the persons who had accompanied the informant in

FIR No. 224/2022 at the place of the alleged incident, upon receiving information that unlawful conversion was being carried out at the Church. What is interesting to note is that Sanjay Singh is the informant/accused in FIR No. 55/2023.

150. The Section 161 Cr. P.C. statement of Virendra Kumar recorded on 15.04.2022 in FIR No. 224/2022 is reproduced hereinbelow:

**“Virendra Kumar son of Dinesh Chandra, aged about 23 years, resident of Nappi Ka Haata, Hariharganj, Police Station Kotwali, District Fatehpur is telling upon asking that on dated 14.04.2022, the act of religion conversion of the innocent Hindus about 90 in number was running forcibly and fraudulently in the Evangelical Church of India situated at Hariharganj, which was informed to the Hindu Organizations by the local people, on receiving the information, Himanshu Dixit, Co-Secretary of the Vishwa Hindu Parishad (World Hindu Council) reached on the spot along with his all activists, among whom I was also included, then the act of religious conversion was going on there. Himanshu Dixit reported this matter to the Administrative Officers by reaching on the spot and requested them to come on the spot. When the Administrative Officers reached on the spot then they interrogated in this reference from Vijay Masih, father of the Church then the Father Vijay Masih confessed it that by converting the religion of the Hindus by committing cheat and fraud with them and converting them into Christianity, we change their documents by tampering with the documents of their names. The aforesaid religion conversion procedure is running since past 34 days in which all the Hindus are called, the aforesaid procedure completes in 40 days. We attempt to convert the religion of the patients also came in the Mission Hospital by converting their religion. All the employees of Mission Hospital play an important role in it. The names of the people brought for conversion of religion today on 14.04.2022 in presence of the Administration are Ratna Daood wife of Daood Masih, resident of Mission Hospital, Daood Masih son of Diwan Masih, resident of Mission Hospital, Mobile No. 6392565880, present address Dehradun Pal Mohalla, Jali Ground, Vinay Kumar son of Sobhnath, resident of Mission Hospital, Namrata Kumari wife of Vinay Kumar, resident of Mission Hospital, Oang Dorji Lepcha son of T.T. Lepcha, resident of Mission Hospital, Chandrakana Lepcha wife of Oang Dorgi Lepcha, resident of Mission Hospital, Udaybhanu son of Sundargha, resident of Collectorganj, Mission Hospital, Prema Bhanu wife of Udaybhanu, resident of Mission Hospital, Vijay Kumar Samsung son of Late D. Samsung, resident of Patel Nagar, Battric Samsung wife of Vijay Kumar Samsung, Patel Nagar, Rut Shalini Samsung daughter of Vijay Kumar Samsung, resident of Patelnagar, Vipin Kumar Samsung son of Vijay Kumar Samsung, resident of Patel Nagar, Reshma Samsung wife of Vipin Kumar Samsung, resident of Patelnagar, Samuel David son of Vijay Kumar Samsung, resident of Patel Nagar, Roma Shalini Samsung wife of Samuel David Samsung, resident of Patel Nagar, Margrate Sharma wife of Corlinus Sharma,**

resident of Mission Hospital, Corlinius Sharma son of Shambhusharan Sharma, resident of Mission Hospital, Mahima Sharma daughter of Carlinius Sharma, resident of Mission Hospital, Shailendra daughter of Letare Zariya, resident of Mission Hospital, Piyara Samad son of Ropan Samad, resident of Mission Hospital, Gita Masih wife of Narhari Yaqoob Masih, resident of Mission Hospital, Narhari Yaqoob Masih son of Dharmu, resident of Mission Hospital, Johnson Jacob son of Narhari Yaqoob Masih, resident of Mission Hospital, Mukul Kumar son of Surendra Chandra, resident of Rail Bazar, Harijan Basti, Madhuri Panna wife of Kamesh Kumar, resident of Mission Hospital, Kamesh Kumar son of Satyaram, resident of Mission Hospital, Sunaina Kujoor, Prabal Kujoor, residents of Mission Hospital, Ujjawalen Topiyon daughter of Jesus Topiyo, resident of Mission Hospital, Akshata Topiyo daughter of Lavash Topiyo, resident of Mission Hospital, Neelmani Topiyo wife of Jesus Topiyo, resident of Mission Hospital, Arpit Kumar son of Kamshwar Kachhap, resident of Mission Hospital, Jyoti Monalisa wife of Arpit Kumar, resident of Mission Hospital, Minakshi Tirky daughter of Gregora Tirky, resident of Mission Hospital, Anju Rani wife of Bhanu Pratap Singh, resident of of son Bhanu Pratap Singh Faridpur Bindki, Chandrabhushan, resident of Faridabad, Bindki, Ashish Emanuel aged about 34 years son of Josuf Emanuel, resident of Mohalla Abunagar, Police Station Kotwali, District Fatehpur, Vipin Kumar Samsung son of Vijay Kumar Samsung, resident of Patel Nagar, Sanjay Samuel son of Arthur Henry Luther, resident of Mission Hospital, Manoj Kumar son of Shri Ram Balmiki, resident of Kandhi Police Station Malwa, James Pradhan son of Late Keshav Das, resident of Mission Hospital, Premnath son of Late Bihari Lal Balmiki, resident of Rail Bazar, Chhotelal son of Ganga Prasad, resident of Turab Ali ka Purwa, Kotwali Fatehpur, Rajesh Singh son of Samuel Baldev, resident of Tambeshwar Mandir, Jail Road, Police Station Kotwali Fatehpur, Vijay Masih son of Amar Singh, residne of Gandhi Gram, Police Station P.G.I. Lucknow, Rishi Barnwal son of J.P. Baranwall, resident of Deviganj, Police Station Kotwali, District Fatehpur etc., about 20 unknown people were causing the religion conversion of about 90 Hindus along with them. As soon as the aforesaid people received the information of arrival of the Hindu Organizations and the Administrative Officers, then the aforesaid people caused to take out them silently from the backdoor. Just it is my statement."  
(Emphasis supplied)

151. FIR No. 54/2023 came to be lodged with substantial delay. The only explanation given by the complainant was that he was afraid of the consequences if he would have reported the incident to the police. However, a close reading of the materials gathered during the course of investigation would indicate that the complainant gave a statement to the police on the date of the registration of FIR No. 224/2022

itself. However, in the said statement, the complainant stated that he was not one of the victims of mass conversion, rather a member of an organization called the Vishwa Hindu Parishad and had reached the place of the alleged mass conversion upon receiving information of the same.

152. We have also referred to the Section 161 Cr. P.C. statement made by Virendra Singh on 01.12.2023 during our discussion on the validity of FIR No. 224/2022.

153. In such circumstances, we cannot help but accept the submission of the appellant(s) that the subsequent FIR Nos. 54, 55 and 60 of 2023 respectively came to be lodged only with a view to overcome the infirmity which existed in FIR No. 224/2022 in lieu of the unamended Section 4 of the U.P. Conversion Act. The mere fact that the complainant in FIR No. 54/2023 had taken a complete U-turn from the statement he made during the course of investigation in FIR No. 224/2022, and more so that he, in his earlier statement, admitted having accompanied the informant in FIR No. 224/2022 makes it an easy guess as regards the circumstances in which multiple subsequent FIRs came to be registered pertaining to the same alleged incident dated 14.04.2022 at the instance of persons who, after a lapse of considerable time, started to masquerade as the victims of the alleged unlawful mass conversion.

154. Thus, neither the explanation offered by the complainant in FIR No. 54/2023 can be believed, nor the allegations of mala fides levelled against him by the appellant(s) can be denied in light of the aforesaid glaring inconsistencies.

155. The criminal law cannot be allowed to be made a tool of harassment of innocent persons, allowing prosecuting agencies to initiate prosecution at their whims and fancy, on the basis of completely incredulous material. Having noticed the glaring infirmities, in the registration of FIR No. 224/2022, it was not open to the police to overcome the difficulty by getting persons with vested interests to make complaints regarding the same alleged incident after a considerable delay and thereafter initiate a fresh round of investigation against largely the same set of accused persons. Unfortunately, this is the only impression which the material on record has left on us.

156. In such circumstances, it would only perpetuate the already committed injustice to allow the proceedings emanating from FIR No. 54/2023 to continue.

#### **x. Whether FIR No. 538/2023 is liable to be quashed?**

157. FIR No. 538/2023 came to be lodged on 11.12.2023 for the offence punishable under Section(s) 307, 386, 504 of the IPC respectively, and Sections 3 r/w 5(1) of the U.P. Conversion Act respectively. At the outset, we may state that the said FIR was also lodged at a time when the unamended Section 4 of the U.P. Conversion Act occupied the field. A plain reading of the contents of the FIR and the allegations made therein clearly indicates that it is not the case of the complainant therein that he was subjected to illegal conversion by the accused person, or there was any such

attempt regarding the same. Instead, the accusation was that the accused persons were indulging in unlawful conversion of gullible persons by exercising illegal means. Thus, even if the allegations of the complainant are taken at their face value, an FIR for the offence under the U.P. Conversion Act could not have been lodged on the basis of the complaint made by the complainant in light of the embargo contained in the unamended Section 4 of the U.P. Conversion Act. Our discussion in the preceding parts of this judgment on the validity of FIR No. 224/2022 will equally apply to the present FIR as well. Thus, it can be said without doubt that the offences under the U.P. Conversion Act, i.e., Section(s) 3 and 5(1) respectively in FIR No. 538/2023 cannot stand the scrutiny of law and must give way to quashing.

158. However, it is pertinent to note that besides the allegations as regards the involvement of the Petitioner in activities pertaining to unlawful religious conversion, the complainant has also alleged in the FIR under consideration that the Petitioner had fired a shot using a firearm against him with the intention to kill and also demanded money from him by use of criminal force.

159. The Petitioner has brought on record certain affidavits in his petition. The affidavits have been affirmed by the witnesses whose statements have been made a part of the Case Diary and are addressed to the Superintendent of Police. A common allegation made in all the affidavits is that the Section 161 Cr. P.C. statements recorded by the police under the name of the said deponents have been recorded without their knowledge. The deponents have further deposed in favour of the innocence of the accused. The Petitioner has submitted before us that the said affidavits were not made a part of the Case Diary despite the allegations that the Section 161 statements have been falsely recorded.

160. However, we find that the entire chargesheet and case diary is not available on the record. We are of the view that the matter requires further consideration after the entire set of documents are placed on the record. Therefore, SLP (Crl.) No. 8615 of 2024 is ordered to be de-tagged from the present batch for further hearing on the limited aspect of the genuineness of the FIR and chargesheet insofar as the offences under the IPC are concerned. The interim protection granted earlier shall continue till the matter is decided.

### **G. CONCLUSION**

161. In light of the aforesaid discussion, we have reached the following conclusion:

a. FIR No. 224/2022 suffers from an incurable legal defect, having been lodged by a person otherwise not competent in law to do so as per the then prevailing statutory scheme. In such circumstances, the only course that would meet the ends of justice is to quash the said FIR as well as all consequential legal proceedings emanating therefrom, albeit in exercise of the writ jurisdiction under Article 32. Thus, FIR No. 224/2022 dated 15.04.2022 registered with the PS Kotwali, District - Fatehpur and all the consequential proceedings arising therefrom are hereby quashed.

b. FIR Nos. 55/2023 and 60/2023 respectively registered with the PS Kotwali, District Fatehpur are squarely covered by the decision of this Court in **T.T. Antony (supra)** and for this reason are hereby quashed. Any consequential proceedings emanating from the said two FIRs shall also stand terminated.

c. A writ petition under Article 32 seeking quashing of the FIR is maintainable as held in a catena of decisions of this Court. In the extraordinary facts and circumstances of the present case, the writ petitions seeking the quashing of FIR Nos. 224/2022 and 47/2023 respectively are not only maintainable but also entertainable and are hereby allowed. All consequential proceedings emanating from FIR No. 224/2022 and 47/2023 respectively are also hereby quashed.

d. The institution of the complaint and the quality of the material gathered by the investigating authorities during the course of investigation into FIR No. 54/2023 fail to inspire any confidence as regards the bona fide of the investigation, thereby making it a fit case for us to quash the FIR and all consequential proceedings emanating therefrom. FIR No. 54/2023 and all consequential proceedings arising therefrom are hereby quashed.

e. The High Court committed an error in declining to quash FIR No. 538/2023 to the extent that no offence under the U.P. Conversion Act could be said to have been made out in view of the embargo contained in Section 4 of the U.P. Conversion Act. However, we clarify that insofar as FIR for the alleged offences under Sections 307, 386 and 504 of the I.P.C. respectively is concerned, the matter requires further consideration once all the relevant documents are brought on record and is thus ordered to be de-tagged from the present batch. The interim protection granted to the Petitioner earlier by this Court shall continue till the matter is finally heard and decided.

162. The Registry is directed to list SLP (Crl.) No. 8615 of 2024 before this very Bench after obtaining necessary orders from Hon'ble the Chief Justice of India.

163. The appeal(s)/petition(s) stand allowed in the aforesaid terms.

164. Pending applications, if any, shall stand disposed of.

165. No order as to costs.

166. Before we part with the matter, we must place on record our appreciation for the efforts put in by the learned counsel appearing for the parties, including their office juniors and staff members, in providing us with structured compilations of all the documents, submissions and judgments relevant for deciding the present batch of matters.

