2025 INSC 727

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO. 394 OF 2024

RAVINDER SINGH SIDHU PETITIONER(s)

VERSUS

THE STATE OF PUNJAB & ORS. RESPONDENT(s)

J U D G M E N T

K.V. Viswanathan, J.

1. The present Writ Petition has been filed seeking to issue an appropriate writ, order or direction for clubbing and transferring the multiple First Information Reports (FIRs) registered against the petitioner in different States to the Court of competent jurisdiction at Panchkula, Haryana. Though this is the prayer made in the petition, learned Senior Counsel for the petitioner states that he would only press for consolidation of the multiple FIRs in each of the States to one district within the respective States. It should also be noticed that

as far as the original prayer made in the petition is concerned, on facts, it was clearly not maintainable since a similar prayer made by the petitioner in Writ Petition (Criminal) No. 206 of 2020 filed in this Court on 20.07.2020 was rejected on 17.08.2020. Considering the fact that the petitioner is now seeking the alternative prayer and the respective States during the hearing have not objected to the same, we have decided to entertain the petition in the special facts and circumstances of the case.

2. In all, there are 64 FIRs registered in 10 States. The States concerned which are parties to the writ petition are Punjab (23 FIRs), Madhya Pradesh (2 FIRs), Haryana (6 FIRs), Gujarat (4 FIRs), Chhattisgarh (1 FIR), NCT of Delhi (1 FIR), Uttarakhand (5 FIRs), Rajasthan (5 FIRs), Uttar Pradesh (15 FIRs) and Himachal Pradesh (2 FIRs).

3. It should also be mentioned that, out of the above, already trial is concluded in some and in three cases convictions have been recorded. In two cases acquittals have been recorded, in two cases there have been cancellation reports, 15 cases are at the evidence

stage and 21 cases are at the stage where charge-sheets have been filed. We are not concerned with the cases where convictions or acquittals have been recorded or in some cases where cancellation reports are filed.

4. The different FIRs are primarily for offences under Sections 406, 420, 465, 467, 468, 471 read with Section 120B, 34, 263, 114 of the Indian Penal Code, 1860 (IPC). Some of the Sections referred to herein have been invoked in a few FIRs and in some all the Sections have been invoked. Along with this in some FIRs the local Acts of the State like the Gujarat Police Act, 1951, the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, the Prize Chits And Money Circulation Schemes (Banning) Act, 1978, the Madhya Pradesh *Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam*, 2000 and the Uttarakhand Protection of Interests of Depositors (in Financial Establishments) Act, 2005 have been invoked depending upon the State concerned.

5. The petitioner herein Ravinder Singh Sidhu has been in custody since 11.10.2018. He was the Managing Director of KIM

Infrastructure and Developers Limited (for short 'KIDL'). The petitioner along with other directors is alleged to have floated two schemes for allotment of developed land where customers were lured to be part of a lumpsum payment plan or a deferred payment plan.

6. When the matters stood thus, Writ Petition No. 3332 of 2010 was filed before the High Court of Madhya Pradesh at its Gwalior Bench for inquiry against financial companies including 'KIDL', on the ground that the companies were seeking deposits from the public with promise of repayment with higher returns ranging from 15 to 20 per cent. The High Court ordered an inquiry by the Central Bureau of Investigation (CBI). The CBI conducted a preliminary investigation and submitted a report concluding that many of the named companies indulged in profiteering schemes without even having the capacity to repay along with the promised rate of return.

7. On 13.07.2012, the Writ Petition was disposed of by the High Court with a direction to the concerned authorities to take appropriate action in accordance with law. Pursuant thereto, the Securities and Exchange Board of India (SEBI) initiated inquiry against 'KIDL'.

KIDL's attempt to get the scheme registered as a Collective Investment Scheme (CIS) was rejected on the ground that possessing a registration was a pre-condition for initiating/launching/sponsoring (CIS) under the SEBI Act, 1992. Certain proceedings were taken by SEBI with which we are not directly concerned here.

8. In the meantime, the first FIR came to be registered against KIDL and its directors by investors as well as by agents appointed by KIDL for mobilizing the investment money. As stated earlier, multiple FIRs came to be registered alleging commission of diverse offences due to default in honoring the commitments and due to failure of KIDL and the petitioner to repay the amounts. It is in this background that the present Writ Petition came to be filed.

9. Notices were issued in the Writ Petition and the States of Uttarakhand, Punjab, Madhya Pradesh, Rajasthan, Gujarat and Uttar Pradesh have filed counter affidavits. Though in the counter affidavits, the States have opposed the clubbing, at the hearing there was a broad consensus about consolidating the cases in the respective States.

10. Heard learned Senior Counsel/Counsel for the parties. The law in this issue is now fairly well settled. It has been held by this Court that multiplicity of proceedings will not be in larger public interest. Further, since many States have invoked local Acts, particularly the Act dealing with the Protection of Interest of Depositors, transferring them out of the State also will not serve the ends of justice. Hence, the correct course of action would be to merge the FIRs with the earliest FIR in the State concerned. It is clarified that if the first FIR in the respective States of Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand is registered in respect of offence under the general law and not the special enactment, but if the subsequent FIRs now clubbed are registered in connection with the special law or registered also in connection with the special law, the same after clubbing must be tried under the special law by the Special Court(s). [See ***Radhey Shyam*** v. ***State of Haryana and Ors.***, 2022 SCC OnLine SC 1935 and ***Abhishek Singh Chauhan*** v. ***Union of India and Ors.***, 2022 SCC OnLine SC 1936].

11. We propose to follow the said course of action. In view of the above in the State of **Gujarat**, the following 3 FIRs will now be merged with FIR No. I-79/2018 dated 27.09.2018 registered at Bhavnagar Gangajaliya.

Sr. No.	FIR No.	Date	Police Station	Place
1.	I-92/2018	26.11.2018		Bhavnagar Gangajaliya
2.	I-293/2018	18.11.2018	P.S. Vadaj	Ahmedabad City
3.	I-285/2018	14.11.2018	P.S. Vadaj	Ahmedabad City

12. In the State of **Haryana**, the following 5 FIRs will now be merged with FIR No. 24/2018 dated 16.01.2018 registered at Ambala P.S. Ambala Cant.

Sr. No.	FIR No.	Date	Police Station	Place
1.	98/2019	04.04.2019	Bhiwani Civil Lines	Bhiwani
2.	167/2022	01.08.2022	Raipur Rani	Panchkula
3.	235/2021	21.05.2021	Hisar City	Hisar
4.	1015/2018	09.10.2018	Sirsa City	Sirsa
5.	503/2019 COMI No. 110/2020)	NA	Narnaul	Narnaul

13. In the State of **Himachal Pradesh**, the following FIR will now be merged with FIR No. 13/2019 registered at Hamirpur, P.S. Sujanpur Tira.

Sr. No.	FIR No.	Date	Police Station	Place
1.	202/2019	09.12.2019	Jawali	Kangra

14. In the State of **Madhya Pradesh**, the following FIR will now be merged with FIR No. 496/2018 dated 05.12.2018 registered at Jabalpur P.S. Lordganj.

Sr. No.	FIR No.	Date	Police Station	Place
1.	176/2020	24.05.2020	Kotwali Anuppur	Anuppur

15. In the State of **Punjab**, the following 16 FIRs will now be merged with FIR No. 198/2018 dated 23.10.2018 registered at SAS Nagar, P.S. Phase I.

Sr. No.	FIR No.	Date	Police Station	Place
1.	183/2020	12.08.2020	Dasuya	Hoshiarpur
2.	62/2021	21.04.2021	Dasuya	Hoshiarpur
3.	291/2020	16.12.2020	Dasuya	Hoshiarpur
4.	81/2021	21.04.2021	City Gurdaspur	Gurdaspur

5.	151/2021	04.08.2021	City Hoshiarpur	Hoshiarpur
6.	280/2020	12.12.2020	City Hoshiarpur	Hoshiarpur
7.	30/2022	04.03.2022	Anaj Mandi	Patiala
8.	55/2021	23.05.2021	Talwara	Hoshiarpur
9.	99/2021	20.05.2021	Talwara	Hoshiarpur
10.	64/2021	20.05.2021	City Batala	Batala (Gurdaspur)
11.	141/2019	02.09.2019	City Gurdaspur	Gurdaspur P.S.
12.	0043/2019	12.02.2019	City Tarn Taran	Tarn Taran
13.	07/2021	16.01.2021		City Hoshiarpur
14.	53/2021	29.03.2021		City Hoshiarpur
15.	05/2024	06.03.2024	N.R.I.	Amritsar
16.	144/2024	29.10.2024	Kotwali	Bathinda

16. In the State of **Rajasthan**, the following 3 FIRs will now be merged with FIR No. 878/2018 dated 20.11.2018 registered at Karauli P.S. Hindon.

Sr. No.	**FIR No.**	**Date**	**Police Station**	**Place**
1.	125/2019	06.06.2019	Tibbi	Hanumangarh
2.	90/2019	12.03.2019	Bhupalpura	Udaipur
3.	292/2019	05.08.2019	Vidhayakpuri	Jaipur City (South)

17. In the State of **Uttar Pradesh**, the following 14 FIRs will now be merged with FIR No. 28/2019 dated 13.01.2019 registered at Basti P.S. Kotwali.

Sr. No.	FIR No.	Date	Police Station	Place
1.	82/2019	09.02.2019	Hari Parvat	Agra
2.	303/2019	25.06.2019	Aonla	Bareilly
3.	617/2020	25.12.2020	Nawabad	Jhansi
4.	33/2019	15.03.2019	Harbans Mohal	East (Commissionerate Kanpur City)
5.	55/2019	11.05.2019	Harbans Mohal	East (Commissionerate Kanpur City)
6.	57/2019	14.05.2019	Harbans Mohal	East (Commissionerate Kanpur City)
7.	480/2020		Sungarhi	Pilibhit
8.	409/2019		Sungarhi	Pilibhit
9.	119/2019	15.02.2019	Sigra	Kashi (Commissionerate Varanasi)
10.	189/2019	29.05.2019	Bhadohi	Bhadohi
11.	406/2019	19.05.2019	Cantt	Gorakhpur
12.	361/2019	18.06.2019	Sigra	Varanasi
13.	463/2019	23.10.2019	Sigra	Varanasi
14.	280/2022		Bareilly	Faridpur

18. In the State of **Uttarakhand**, the following 4 FIRs will now be merged with FIR No. 107/2018 dated 30.10.2018 registered at Pithoragarh P.S. Kotwali Pithoragarh.

Sr. No.	FIR No.	Date	Police Station	Place
1.	165/2019	24.08.2019	Mukhani	Nainital
2.	30/2019	07.07.2019	Lohaghat	Champawat
3.	44/2019	19.02.2019	Jaspur	Udham Singh Nagar
4.	86/2024	24.04.2024		Mukhani Nainital

19. The writ petition stands allowed in the above terms. We further direct while the first FIR will be treated as the First Information Report (hereinafter for convenience called the 'principal FIR'), the subsequent FIRs in each State shall be treated as Statements under Section 161 of the Code of Criminal Procedure, 1973 (CrPC). The Investigating Officer in the criminal case arising out of the principal FIR in the concerned State will be free to file supplementary charge-sheets after the collation of all records concerning other FIRs in the concerned State which are clubbed in terms of this order. We further direct that if Police Report under Section 173 of CrPC stands already

filed in the clubbed FIRs and the concerned Courts have taken cognizance thereof, the said FIRs and criminal cases would also stand transferred and merged/clubbed along with the principal FIR to be proceeded with in accordance with law.

20. The investigating officer in the principal proceedings will be free to file supplementary charge-sheet on the basis of the material collated during investigation of other FIRs. We also make it clear that the other offences not part of the special enactments can also be tried by the Special Court under the concerned State legislation. We also further direct that in case the petitioner has been granted bail in connection with the principal proceeding/criminal case to which the other cases have been clubbed, the bail so granted must enure to the petitioner's favour in the other FIRs now clubbed as well. We further clarify that if the principal FIR is limited to offence under the general law/Penal Code but the subsequent FIRs contain allegations attracting offences under the special enactment or certain other IPC offences and if the bail granted is only for some offences under the general law, the Special Court is entitled to insist for a fresh bail application to be filed by the petitioner in relation to those offences including

under the Special Act. The said bail application(s) shall be decided on its own merits in accordance with law.

21. We make it clear that our direction is confined to the offences mentioned in the present order, namely, the offences under the IPC and the concerned State enactment mentioned herein.

22. As far as the State of Chhattisgarh and NCT of Delhi are concerned, since there is only one case each, the said case will proceed in those States in accordance with law and the question of clubbing does not arise. We have passed the above order in exercise of powers under Article 32 read with our powers under Article 142 of the Constitution of India.

……CJI.
[**B. R. GAVAI**]

……J.
[**K. V. VISWANATHAN**]

New Delhi;
19th May, 2025.