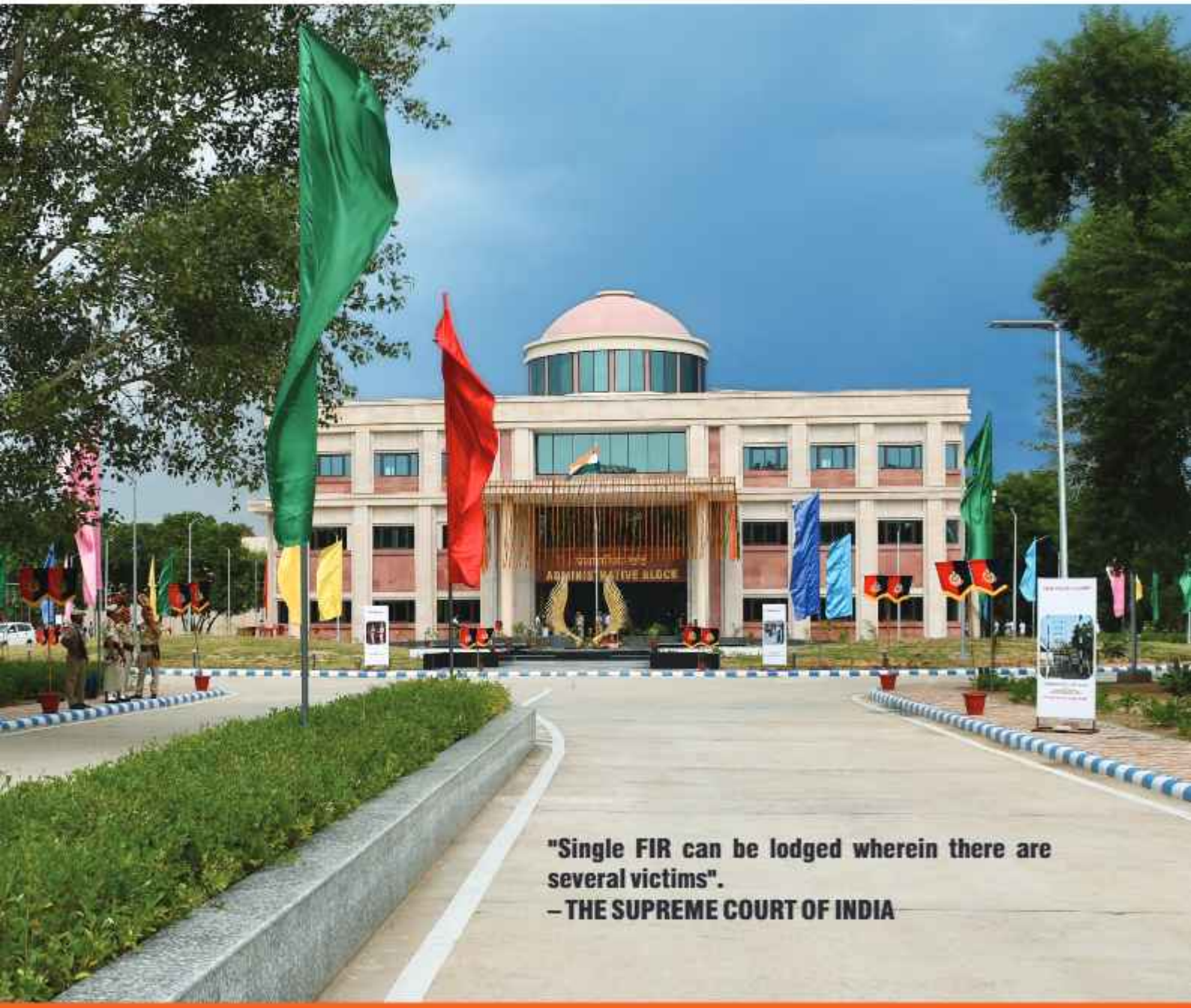
THE LAW LEDGER

The e-Journal

DELHI POLICE ACADEMY

Special Leave Petition (Criminal) No. 9198 of 2019
Date of Judgement : 06/01/2026

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"Single FIR can be lodged wherein there are several victims".
– THE SUPREME COURT OF INDIA

The State (NCT) of Delhi .....Petitioner(s)
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Facts of the Case:

The State (NCT) of Delhi approached Supreme Court of India as it was aggrieved by the judgment dated 08.07.2019, whereby a Division Bench of the High Court of Delhi answered Criminal Reference No. 1 of 2014. By the said reference, the learned Additional District & Sessions Judge – II, North-West District, Rohini Courts, Delhi, had referred three questions of law to the High Court of Delhi for its decision, under Section 395(2) of the Code of Criminal Procedure, 1973.

The reference by the learned Additional Sessions Judge arose in the context of FIR No. 89 of 2009 registered on 01.06.2009 by the Economic Offences Wing of the Delhi Police under Sections 420 and 120B of the Indian Penal Code, 1860, at the behest of one Rajesh Kumar. His complaint was that Ashok Jadeja and his accomplices, one of whom was Khimji Bhai Jadeja, the respondent, had falsely represented that Ashok Jadeja was blessed with the divine power of Sikotar Mata to triple money in a few days. A large number of people were stated to have been induced to invest their monies and were ultimately duped. During the investigation into this complaint, it was found that altogether 1,852 victims had been cheated of their monies, to the tune of ₹46.40 crores. The other 1851 complaints were clubbed with FIR No. 89 of 2009 and those complainants were made witnesses by treating their complaints as statements. On 09.02.2014, the Delhi Police filed a charge sheet against 15 persons. Six more supplementary charge sheets came to be filed between 2014 and 2025. Meanwhile, when Khimji Bhai Jadeja, the respondent herein, filed a petition in 2014 seeking bail.

Issue involved:-

The learned Additional Sessions Judge framed the three questions of law, vide order dated 14.03.2014, and referred them to the High Court for appropriate decision under Section 395(2) CrPC, leading to that reference being answered by way of the impugned judgment.

The questions read as under: -

a. Whether in a case of inducement, allurement and cheating of large number of investors/depositors in pursuance to a criminal conspiracy, each deposit by an investor constitutes a separate and individual transaction or all such transactions can be amalgamated and clubbed into a single FIR by showing one investor as complainant and others as witnesses?

b. If in case the Hon'ble Court concludes that each deposit has to be treated as separate transaction, then how many such transactions can be amalgamated into one charge sheet?

(Note: - As per the provisions of Section 219 CrPC and as observed by the Hon'ble Apex Court in the case of Narinderjit Singh Sahni & anr. vs. Union of India & ors., only three transactions in a particular year can be clubbed in a single charge sheet).



c. Whether under the given circumstances the concept of maximum punishment of seven years for a single offence can be pressed into service by the accused by clubbing and amalgamating all the transactions into one FIR with maximum punishment of seven years?

The relevant paras of the order dated 06/01/2026 are reproduced as under:-

View of Hon'ble Delhi High Court

The Delhi High court held that each act of cheating against an individual investor constituted a separate transaction and, therefore, required a separate FIR. The relevant para is as under:-

Para 3. The Division Bench answered the questions as follows: -

'.... Thus, our answer to Question (a) is that in a case of inducement, allurement and cheating of large number of investors/depositors in pursuance to a criminal conspiracy, each deposit by an investor constitutes a separate and individual transaction. All such transactions cannot be amalgamated and clubbed into a single FIR by showing one investor as the complainant and others as witnesses. In respect of each such transaction, it is imperative for the State to register a separate FIR if the complainant discloses commission of a cognizable offence.

.... Thus, our answer to question (b) is that in respect of each FIR, a separate final report (and wherever necessary supplementary/further charge sheet(s)) have to be filed, and there is no question of amalgamation of the final reports that may be filed in respect of different FIRs. The amalgamation, strictly in terms of Section 219 Cr.P.C., would be considered by the Court/ Magistrate at the stage of framing of charge, since Section 219(1) mandates that where the requirements set out in the said Section are met, the accused "may be charged with, and tried at one trial for, any number of them not exceeding three".

.... In our view, the aforesaid question [sic, (c)] does not survive in view of the answer to question (a) and (b). It would be for the Trial Court to consider the sentence to which the convict may be subjected as per law, keeping in view the well settled principles of sentencing. In this regard, we may only refer to Section 31 of the Cr.P.C. which, inter alia, provides that when a person is convicted at one trial of two or more offences, the Court, may subject to the provisions of Section 71 IPC, sentence him for such offences to the several punishments prescribed therefore which such Court is competent to inflict. It further provides that such punishments, which consist of imprisonment, would commence one after the expiration of the other, unless the Court directs that such punishments shall run concurrently. The limitation on the quantum of sentence is prescribed by sub-section 2 of Section 31 of the Cr.P.C., but the same would apply in respect of convictions at one trial of two or more offences. However, where the trials are multiple, which result into multiple convictions, the proviso to Section 31 (2) would have no application.'



View of the Supreme Court

Para 20. As already noted, precedential law has laid down triple tests, though not to be applied cumulatively, to decide when separate actions can be treated as part of the 'same transaction' –

1) unity of purpose and design;

2) proximity of time and place; and

3) continuity of action.

These tests may be applied to ascertain whether a series of acts form part of the same transaction or not. It is not necessary at the present stage to consider whether consolidation of charges under Section 220(1) CrPC should be resorted to, as that would depend upon the opinion of the Magistrate on the strength of the findings recorded during the investigation. If it is opined that all the incidents partake of the same transaction, there can be one trial under Section 220(1) CrPC and Section 223(a) and (d) CrPC. If, however, it is concluded that there are several transactions and distinct offences in relation to different victims, there have to be separate trials for each offence, subject to Section 219 CrPC/ Section 242 BNSS, which allows the Trial Court to try three/five offences of the same kind committed within a year. Once all the incidents are taken to be part of the same transaction and amalgamated into one FIR, the punishment would follow accordingly as per law.

Para 21. We agree with the learned amicus that the reference by the learned Additional Sessions Judge was premature, as the stage had not arisen for her to have entertained any doubt so as to raise the questions of law that she did for the decision of the High Court. The investigation was still ongoing and it could not have been ascertained at that stage as to whether the alleged offences formed part and parcel of the same transaction. Even otherwise, consolidation of FIRs is permissible in law but that would have also depended upon the conclusions to be arrived at after the investigation. However, as on date, as many as six supplementary chargesheets have been filed during the pendency of this case, in addition to the main chargesheet that was filed in the year 2014. We find that the end result of the investigation undertaken is that an offence under Section 120B IPC has been alleged, i.e., a criminal conspiracy. Therefore, as a conspiracy is alleged, leading to multiple acts of cheating against different individuals, the course adopted by the Delhi Police in registering one FIR and treating the complaints received from 1851 other complainants as statements under Section 161 CrPC, was the correct course of action to have been adopted at that stage.



Judgment

The Hon'ble Supreme Court set aside the High Court decision in point (a) and (b) and held that where multiple victims are cheated pursuant to a single criminal conspiracy and a common fraudulent scheme, a single FIR is sufficient.

The Hon'ble Supreme Court further held that subsequent complaints arising from the same conspiracy need not result in separate FIRs and may be treated as statements recorded during the investigation.

Triple Test for "Same Transaction". The Hon'ble Supreme Court identified three factors for determining whether several acts form part of the same transaction.

(1) **Unity of Purpose and Design** – There must be a common objective and a unified plan behind the acts.

(2) **Proximity of Time and Place** – The acts should have a close connection in terms of time and location

(3) **Continuity of Action** – The acts should form part of a continuous course of conduct.

If these factors are satisfied, the incidents may be treated as part of the same transaction.

Hence the appeal was allowed in the aforestated terms.

Legal Value

1. **The same Transaction Test:-**The court held that when multiple acts of cheating originate from a single overarching criminal conspiracy, they share a unity of purpose and design. These acts can be legally amalgamated into one trial.
2. **Single FIR is permissible:-** Registering a single FIR for mass harm cases where all incidents are part of a continuous, connected schemes is legally valid and prevents unnecessary multiplicity of judicial proceedings.
3. **Protection of Complainants:-** To ensure the victims whose complaints are consolidated into a single FIR are not left without legal recourse the Court ruled that these secondary complainants can still be treated as witnesses and have the right to file protest petitions if the police file a closure report or if the magistrate dismisses the case.

This ruling is critical for handling large scale economic offenses as it streamlines prosecutorial efficiency by allowing a single trial for mass cheating rather than bogging down the justice system with thousands of distinct FIRs and repetitive trials for the exact same overarching crime.

