



CRM-M-40061-2025

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**127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40061-2025

Date of Decision: 19.08.2025

Sant Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. J.S. Dadwal, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present second petition is for quashing of the FIR No.45 dated 03.04.2024, registered under Section 420 IPC, at Police Station Doraha, Police District Khanna, District Ludhiana and all the subsequent proceedings arising therefrom.

The petitioner earlier approached this Court by way of filing CRM-M-31852-2024, which was dismissed as withdrawn vide order dated 01.08.2024 with liberty to the petitioner to avail alternative remedy as available to him under law. The petitioner has again approached this Court by way of filing the present petition with similar prayer, which is not maintainable.

Hon'ble Supreme Court in a recent judgment in **M.C. Ravikumar vs. D.S. Velmurugan and others**, 2025 LiveLaw (SC) 737, while observing that the second quashing petition on the ground available earlier is not maintainable, has held as under:-

“11. The short question that arises for our consideration is "Whether a second quashing petition under Section 482 CrPC would be maintainable on the grounds/pleas that were available



to be raised even at the time of filing/decision of the first quashing petition?"

12. At the outset, we may like to note that the submission advanced by the learned counsel for the accused-respondents that the second quashing petition came to be filed based on new grounds/pleas, is not tenable on the face of it. From the bare perusal of the record, it is evident that the second quashing petition raised no such grounds/pleas which were unavailable to the accused-respondents at the time of adjudication of the first quashing petition. The failure of the accused respondents to raise a pertinent ground/plea which was tangibly available to them at the time of adjudication of the first quashing petition can in no circumstance grant a right to the said accused persons to file a subsequent quashing petition as it would amount to seeking review on pre-existing material.

13. This Court in catena of judgments has held that it is not open to an accused person to raise one plea after the other, by repeatedly invoking the inherent jurisdiction of the High Court under Section 482 CrPC, though all such pleas were very much available to him even at the first instance. We may hasten to add that there is no sweeping rule to the effect that a second quashing petition under Section 482 CrPC is not maintainable and its maintainability will depend on the facts and circumstances of each case. However, the onus to show that there arose a change in circumstances warranting entertainment of a subsequent quashing petition would be on the person filing the said petition. In this regard, we may gainfully refer to the observations made by this Court in the case of *Bhisham Lal Verma v. State of UP & Anr.*, 2023 SCC Online SC 1399., which are extracted below for ready reference:-

"11. Though it is clear that there can be no blanket rule that a second petition under Section 482 Cr.P.C.



would not lie in any situation and it would depend upon the facts and circumstances of the individual case, it is not open to a person aggrieved to raise one plea after the other, by invoking the jurisdiction of the High Court under Section 482 Cr.P.C., though all such pleas were very much available even at the first instance. Permitting the filing of successive petitions under Section 482 Cr.P.C. ignoring this principle would enable an ingenious accused to effectively stall the proceedings against him to suit his own interest and convenience, by filing one petition after another under Section 482 Cr.P.C., irrespective of when the cause therefor arose. Such abuse of process cannot be permitted."

(Emphasis Supplied)

14. Furthermore, we are of the opinion that order passed by the High Court in the second quashing petition amounted to review (plain and simple) of the earlier order passed by the co-ordinate bench of the High Court in the first quashing petition, since there was admittedly no change in circumstances and no new grounds/pleas became available to the accused-respondents, after passing of the order of dismissal in the first quashing petition. The order passed by the High Court is in gross disregard to all tenets of law as Section 362 CrPC expressly bars review of a judgment or final order disposing of a case except to correct some clerical or arithmetical error.

15. This Court has time and again held that the High Courts while exercising their inherent jurisdiction under Section 482 CrPC cannot override a specific bar laid down by other provisions of CrPC, i.e., to say that the High Court is not empowered to review its own decision under the purported exercise of its inherent powers. To fortify the aforesaid conclusion, we may gainfully refer to the observations made by this Court in the case of *Simrikhia v. Dolley Mukherjee and Chhabi Mukherjee and Anr.*, (1990) 2 SCC 437., the relevant portions whereof are quoted below for ease of reference:



"6. In *Superintendent & Remembrancer of Legal Affairs v. Mohan Singh*, (1975) 3 SCC 706, this Court held that Section 561A preserves the inherent power of the High Court to make such orders as it deems fit to prevent abuse of the process of the Court or to secure the ends of justice and the High Court must therefore exercise its inherent powers having regard to the situation prevailing at the particular point of time when its inherent jurisdiction is sought to be invoked. In that case the facts and circumstances obtaining at the time of the subsequent application were clearly different from what they were at the time of the earlier application. The question as to the scope and ambit of the inherent power of the High Court vis-a-vis an earlier order made by it was, therefore, not concluded by this decision.

7. The inherent jurisdiction of the High Court cannot be invoked to override bar of review under section 362. It is clearly stated in *Sooraj Devi v. Pyare Lal*, (1981) 1 SCC 50 that the inherent power of the Court cannot be exercised for doing that which is specifically prohibited by the Code. The law is therefore clear that the inherent power cannot be exercised for doing that which cannot be done on account of the bar under other provisions of the Code. The court is not empowered to review its own decision under the purported exercise of inherent power. We find that the order in this case is in effect one reviewing the earlier order on a reconsideration of the same materials. The High Court has grievously erred in doing so. Even on merits, we do not find any reasons to quash the proceedings at that stage."

Thus, in view of the facts and circumstances of the present case and the law settled by Hon'ble Supreme Court, the present petition stands dismissed being not maintainable.

(RAJESH BHARDWAJ)
JUDGE

19.08.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No