



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-34005-2025

Date of decision: 06.04.2026

JASWINDERPAL SINGH RIAR

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Rubal Pawar, Advocate for the petitioner.

Mr. Ravinder Singh, DAG Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. The instant petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the impugned order dated 03.01.2020 (Annexure P-13) passed by Ld. Sub Divisional Judicial Magistrate, Dera Bassi whereby the petitioner has been declared as "Absconder from Law" in F.I.R. No. 182 dated 10.05.2013 for offences under Section 406, 420, IPC Police Station Zirakpur District S.A.S. Nagar Annexure P-1) and further quashing of all subsequent proceedings arising out of the same.

2. Vide order dated 07.07.2025, a Coordinate Bench of this Court had questioned the maintainability of the present petition since the prayer for quashing of the impugned order has already been dismissed on merits by the Coordinate Bench on 19.08.2021, for which learned counsel for the petitioner had sought time to address the arguments.



3. Today, learned counsel for the petitioner has relied upon a decision of Hon'ble Supreme Court in *Muskan Enterprises v. State of Punjab, (SC), 2024 INSC 1046 : Law Finder Doc Id # 2680202*; and submits that a subsequent petition under Section 482 Cr.P.C. is maintainable.

4. Learned State counsel has rebutted the argument of the learned counsel for the petitioner and vehemently opposed the present petition. He submits that the earlier petition filed by the petitioner with same prayer was dismissed and the petitioner after a lapse of more than 4 years has again filed the present petition without any change in circumstance. Hence, he prays that the present petition be dismissed.

5. Before delving into the merits of the case, this Court is of the considered opinion that it is necessary for this Court to consider as to whether the second application for the same relief is maintainable or not ?

6. Initially, the petitioner had filed petition bearing no. CRM-M-28364-2021 against the order whereby he was declared as Absconder from law in case FIR No.182 dated 10.05.2016 under Sections 406 and 420 IPC, registered at Police Station Zirakpur, District S.A.S. Nagar. The said petition was dismissed on merits. The operative part of the said order is reproduced below:

“After hearing the learned counsel for the petitioner, this Court finds that the trial proceedings were well within the knowledge of the petitioner, who disengaged himself voluntarily and never applied for exemption from his personal appearance. The argument that his mother was not well, who passed away in June, 2021 is of no help to the petitioner, as after his absence, the petitioner had applied for



pre arrest bail under Section 438 Cr.P.C. and the learned Addl. Sessions Judge vide order dated 17.12.2019 directed the accused to put an appearance before the trial Court within 7 days and it was further ordered that if the accused appears, he be released on interim regular bail.

Learned counsel is unable to furnish any explanation as why the concession granted by Addl. Sessions Judge, through order dated 17.12.2019 was not availed. Further, learned counsel has also not explained the long delay in challenging the order dated 03.01.2020 (Annexure P-1).

Resultantly, no case is made out for exercise of inherent powers under Section 482 Cr.P.C.

Dismissed.”

Now, by filing the present petition, petitioner has prayed for same relief on same grounds.

7. The Hon’ble Supreme Court, in the case of ***Bhisham Lal Verma v. State of U.P., 2023 SCC Online SC 1399*** has held as under:

“9. Mr. S. Nagamuthu, learned Amicus Curiae, would however point out that entertainment of the second petition in Mohan Singh [State of W.B. v. Mohan Singh, (1975) 3 SCC 706 : 1975 SCC (Cri) 156] was held permissible as the circumstances obtaining at the time of the subsequent petition were clearly different from what they were at the time of the earlier one and that was the distinguishing factor which saved the second petition. He would further point out that, in Simrikhia v. Dolley Mukherjee [Simrikhia v. Dolley Mukherjee,



(1990) 2 SCC 437 : 1990 SCC (Cri) 327], this Court cautioned that the inherent jurisdiction under Section 482 CrPC cannot be invoked to override the bar of review under Section 362 CrPC. Reference was made to Sooraj Devi v. Pyare Lal [Sooraj Devi v. Pyare Lal, (1981) 1 SCC 500 : 1981 SCC (Cri) 188] which held that the inherent power of the Court could not be exercised for doing that which is specifically prohibited by the Criminal Procedure Code, 1973. He also drew our attention to R. Annapurna v. Ramadugu Anantha Krishna Sastry [R. Annapurna v. Ramadugu Anantha Krishna Sastry, (2002) 10 SCC 401 : 2004 SCC (Cri) 1135], wherein a quash petition under Section 482 CrPC was dismissed on 28-1-1995 and without mentioning the same, another petition was filed under Section 482 CrPC with a similar prayer. Noting that the second petition was not made on the strength of anything which had developed after 28-1-1995 but only on the facts which subsisted prior to that date, this Court held that the second petition was not maintainable, as the High Court did not have the power to upset the order dated 28-1-1995 which had attained finality.

10. In S. Madan Kumar v. K. Arjunan [S. Madan Kumar v. K. Arjunan, 2006 SCC Online Mad 94 : (2006) 1 MWN (Cri) DCC 1], the Madras High Court observed that a person who invokes Section 482 CrPC should honestly come before the Court raising all the pleas available to him at that point of time and he is not supposed to approach the Court with instalment pleas. It was further observed that there may be a change of circumstances during the course of



criminal proceedings which would give scope for the person aggrieved to invoke the inherent jurisdiction of the Court, but when he is posted with all the facts and circumstances of a case, he cannot withhold part of it for the purpose of filing yet another petition seeking the same relief.

11. We are in complete agreement with these observations of the Madras High Court. Though it is clear that there can be no blanket rule that a second petition under Section 482 CrPC 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 CrPC, though all such pleas were very much available even at the first instance. Permitting the filing of successive petitions under Section 482 CrPC 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 CrPC, irrespective of when the cause therefor arose. Such abuse of process cannot be permitted.

12. In the case on hand, the filing of the charge-sheet and the cognizance thereof by the court concerned were well before the filing of the first petition under Section 482 CrPC, wherein challenge was made only to the sanction order. That being so, the petitioner was not at liberty to again invoke the inherent jurisdiction of the High Court in relation to the charge-sheet and the cognizance



order at a later point of time. The impugned order [Bhisham Lal Verma v. State of U.P., 2023 SCC Online All 2290] passed by the Allahabad High Court holding to this effect is, therefore, incontrovertible on all counts and does not warrant interference.”

8. More recently, the Hon’ble Supreme Court in the case of ***M.C. Ravikumar v. D.S. Velmurugan, 2025 AIR (Supreme Court) 3387***; has held as under:

“Discussion and Analysis: -

10. We have heard the submissions advanced at the bar and have gone through the impugned order and material placed on record.

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 the 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 impugned 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 compelling reasons to quash the proceedings at that stage."

(Emphasis supplied)

9. Thus, in view of the facts and circumstances of the present case, it is clear that the present petition under Section 528 of BNSS (Section 482 of erstwhile Cr.P.C) has been filed for same relief on the same grounds which were pressed into service while arguing the earlier petition. The judgment relied upon by the learned counsel for the petitioner in case of *Muskan Enterprise (Supra)* will not cut the ice as in that case the Hon'ble Supreme Court has held that Successive petitions under Section 482 of the Code of Criminal Procedure, 1973, are maintainable if there is a change in circumstances. It is pertinent to mention here that the petitioner has failed to demonstrate any change of circumstance since the dismissal of his earlier petition for the same relief as sought in the present petition.

10. In view of the facts and circumstances of the present petition, absence of any change in the circumstances and law laid down by the Hon'ble Supreme Court as discussed above, this Court is of the considered opinion that this petition is not maintainable.

11. It is, accordingly, dismissed on the ground of maintainability.

06.04.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No