2026:AHC:212462

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43949 of 2026

Kishan Singh 6 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ravi Pandey, Suraj Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Ravi Pandey, learned counsel for the applicants, Sri Anil Kumar Ojha, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been filed with the prayer to quash the cognizance/summoning order dated 22.12.2022 and entire criminal proceedings of Case No. 38603 of 2022 (State Vs. Omprakash and others), arising out of case Crime No. 301 of 2022, under Sections 498-A, 323, 504, 506 of I.P.C. and Section 3/4 D.P. Act, Police Station Kwarsi, District- Aligarh, pending in the court of Additional Chief Judicial Magistrate, Court No. 2, Aligarh.

3. At the very outset, during course of arguments, it has emerged from the record that the applicants had previously preferred an application under Section 528 B.N.S.S. bearing No. 22343 of 2025 (Kishan Singh and 6 others Vs. State of U.P. and another) seeking substantially identical relief. The said application was dismissed by this Court, by following order dated 19.08.2024:

" 1. Heard learned counsel for the applicants and learned AGA for the State.

2. This application has been filed by applicants for quashing the entire proceedings of Criminal Case No. 38603 of 2022 (State Vs Omprakash and others) which arising out from the impugned Cognizance/summoning order dated 27.12.2022 passed by the learned court of Judicial Magistrate, Aligarh over the charge-sheet dated 13.06.2022, submitted in Case Crime

No. 301 of 2022, Under Sections 498-A, 323, 504, 506 of I.P.C. & Section 3/4 D.P. Act, Police Station Quarsi, District Aligarh.

3. After some argument, learned counsel for the applicants states that he may be permitted to withdraw this application with liberty to file bail application before the court below.

4. Learned AGA has no objection to the prayer made by learned counsel for the applicants.

5. Under the circumstances, the present application is dismissed as withdrawn with liberty to applicants to approach the court concerned for bail. In order to enable the applicants to approach the court concerned for bail, for a period of 20 days, no coercive action shall be taken against the applicants. In case, the bail application is preferred by the applicants before the court concerned, the court concerned shall decide the same expeditiously without granting unnecessary adjournment to any party.

6. The application is dismissed as withdrawn with the aforesaid liberty and direction."

4. Notably, in the present application, the applicants have completely suppressed the filing and disposal of earlier application. There is not a single averment in the entire application disclosing the prior long litigation between the same parties for the same cause of action.

5. It is a settled principle of law that a person who approaches the Court with uncleaned hands and suppresses material facts is not entitled to be heard on merits. The jurisdiction under Section 528 B.N.S.S. is inherent and equitable in nature, meant to prevent abuse of the process of any Court and to secure the ends of justice. It cannot be permitted to be converted into a tool for forum-hunting or endless litigation by re-agitating the same issue through successive applications while suppressing earlier proceedings.

6. Repeated filing of second applications under Section 528 B.N.S.S. for identical relief without any material change in circumstances-and particularly with deliberate suppression of earlier proceedings-amounts to a gross abuse of the process of the Court.

7. This Court is generally reluctant to impose pecuniary costs upon litigants, firmly believing that access to justice should not be rendered punitive.

However, this Court is now compelled to do so. Of late, a trend has emerged where such applications are being filed in a routine and casual manner by litigants, burdening the judicial system and consuming precious court time that could otherwise be devoted to genuine litigants waiting in line for justice. If such attempts are allowed to pass without deterrent consequences, it will embolden unscrupulous litigants to treat court proceedings as a game of chance.

8. Consequently, the present application under Section 528 B.N.S.S. is dismissed as not maintainable, on the ground of deliberate suppression of material facts and abuse of the process of law.

9. A cost of Rs. 20,000/- is hereby imposed upon the applicants. The said cost shall be deposited by the applicants with the District Legal Services Authority, Aligarh within a period of four weeks from today, failing which the trial court concerned shall proceed to recover the same, as per the provisions of law.

10. Registrar (Compliance) is directed to communicate a copy of this order to the trial court concerned for necessary compliance within 48 hours.

October 9, 2026
Rmk.

(Chawan Prakash,J.)

Digitally signed by :-
RAM MURTI KUSHWAHA
High Court of Judicature at Allahabad