



2026:AHC:75768

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/s 482 No. - 8190 of 2023

Ramdular Singh

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite Party(s)

Counsel for Applicant(s)	: Anurag Vajpeyi, Praveen Kumar Singh
Counsel for Opposite Party(s)	: Arvind Kumar Rai, G.A., Prashant Sharma, Sanjay Kumar Srivastava, Vishesh Kumar Singh, Yogesh Singh

Court No. - 75

A.F.R.

Reserved on: 24.03.2026

Delivered on: 08.04.2026

HON'BLE SAMIT GOPAL, J.

1. Heard Sri Manish Tiwary, learned Senior Advocate assisted by Sri Praveen Kumar Singh, learned counsel for the applicant, Sri Yogesh Singh, learned counsel for the opposite party no.2 and Sri Ajay Singh, learned A.G.A.-I for State and perused the records.

2. The present application U/S 482 Cr.P.C. has been filed by the applicant- Ramdular Singh with the following prayer:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application u/s 482 Cr.P.C. and quash the charge-sheet dated 16.02.2019 as well as summoning order dated 13.03.2019 and the entire proceedings of Case No. 330 of 2019 (State Vs. Ram Dular Singh and others) arising out of Case Crime No. 119 of 2018, under Sections 149, 420, 467, 468, 471, 504, 506 I.P.C., Police Station Lohta, District Varanasi, pending in the court of A.C.J.M.-IV, Varanasi.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the entire proceedings of Case No. 330 of 2019 (State Vs. Ram Dular Singh and others) arising out of Case Crime No. 119 of 2018, under Sections 149, 420, 467, 468, 471, 504, 506 I.P.C., Police Station Lohta, District Varanasi

And / or this Hon'ble Court be pleased to pass any order which this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. An order dated 27.05.2024 was passed by another Bench of this Court which reads as under:-

"1. The judgment could not be pronounced on account of sufficient time has been lapsed.

2. The matter requires further clarification.

3. List for further hearing before appropriate Court in due course."

4. The said order dated 27.05.2024 was subjected to challenge by the applicant Ramdular Singh before the Apex Court in Special Leave to Appeal (Crl.) No. 11919 / 2024 (Ramdular Singh Vs. State of U.P. & Anr.) which stood disposed of by an order dated 02.12.2024 by which the Apex Court directed that till such time, the matter is considered next by the High Court, there shall be stay of proceedings before the trial court and the petitioner therein was granted liberty to seek extension of the stay order till disposal of the petition on merits. The roster Bench of this Court was requested to dispose of the petition in accordance with law as early as possible, preferably within three months from the date upon hearing all the parties. The said order reads as under:

"1. Read the office report dated 29th November, 2024.

2. Notice sought to be served on the respondent no.2 appears to have been returned with the postal remark "receiver went somewhere and will return only after 5-6 days, hence notice could not be served."

3. Having regard to the short issue involved in the special leave petition, we do not consider it necessary to wait for the respondent no.2 to appear.

4. According to the petitioner, a civil dispute has been given the colour of a criminal offence and proceedings launched against him based on the complaint of the respondent no.2. He had approached the High Court with a petition under Section 482 of the Code of Criminal Procedure,

1973 challenging such proceedings. On 28th March, 2023, the High Court reserved judgment without, however, passing any interim order. Exactly 14 (fourteen) months later; i.e., on 27th May, 2024, the High Court de-reserved judgment and directed listing of the said petition before an appropriate Bench.

5. Learned counsel for the petitioner expresses a grievance that in the absence of any order of stay passed by the High Court, the proceedings against the petitioner which continued have reached the stage of charges being framed, thereby effectively rendering the petition before the High Court infructuous.

6. We do not know the exact reason as to why the learned Judge of the High Court, despite lapse of 14 (fourteen) months since judgment was reserved, could not deliver the judgment and dispose of the petition one way or the other.

7. Be that as it may, without expressing any further comment on the matter of keeping a reserved judgment pending for 14 (fourteen) months and then not delivering the same, we request the roster bench of the High Court to dispose of the petition in accordance with law as early as possible, preferably within three months from date upon hearing all the parties. Should there be any lack of cooperation from any party, the High Court may proceed according to law.

8. Till such time, the matter is considered next by the High Court, there shall be stay of proceedings before the trial court, i.e., the court of the Additional Chief Judicial Magistrate-IV, Varanasi, in Case No. 330 of 2019. The petitioner shall be at liberty to seek extension of the order of stay till the disposal of the 1 Criminal Misc. Application No. 8190/2023 petition on merits.

9. With the aforesaid observation, the special leave petition stands disposed of.

10. Pending application(s), if any, shall stand disposed of.”

5. Subsequently the matter came up for hearing before a co-ordinate Bench of this Court on 20.01.2025 and despite repeated calls since no one appeared to press the present application, the same was dismissed for want of prosecution, the order passed therein reads as under:-

"List revised. None is present for the applicant. However learned AGA for the State is present.

Vide order dated 04.12.2024 passed by the Hon'ble Supreme Court, a direction was issued to decide the instant matter, expeditiously.

Despite repeated call, none appeared for the applicant to press the instant application.

Case is dismissed for want of prosecution."

6. The order-sheet reflected that an application for recall was filed which was allowed vide order dated 08.04.2025 passed by a co-ordinate Bench of this Court and the petition was restored to its original number and status with a further order that the trial court shall defer the proceedings of the trial till the disposal of this application before this Court, the order reads as under:-

"Order on Recall Application

Heard Mr. Praveen Kumar Singh, the learned counsel for applicant, the learned A.G.A. for State opposite party 1 and Mr. Arvind Kumar Rai, the learned counsel representing first informant opposite party 2.

Perused the record.

This recall application has been filed by applicant seeking recall of the order dated 20.1.2025 passed by His Lordship Hon'ble Dinesh Pathak, J. For ready reference, same is reproduced herein under:-

"List revised. None is present for the applicant. However learned AGA for the State is present.

Vide order dated 04.12.2024 passed by the Hon'ble Supreme Court, a direction was issued to decide the instant matter, expeditiously.

Case is dismissed for want of prosecution."

Learned counsel for applicant submits that in view of the averment made in paragraph 5 of the affidavit filed in support of present application, he could not appear before Court at the time when present application was taken up in revised call. He, therefore, submits that there is no deliberate negligence or laches on the part of applicant in pursuing the present application. As such, the order dated 20.1.2025 is liable to be recalled.

Per contra, the learned A.G.A. representing State opposite party 1 and Mr. Arvind Kumar Rai, the learned counsel representing first informant opposite party 2 have opposed the present application. However, they could not dislodge the factual/equitable submissions urged by the learned counsel for applicant in support of prayer for recall of order dated 20.1.2025.

Having heard the learned counsel for applicant, the learned A.G.A. for State opposite party 1, Mr. Arvind Kumar Rai, the learned counsel representing first informant opposite party 2 and upon perusal of record, this Court finds there is no deliberate negligence or laches on the part of learned counsel for applicant in pursuing this application. Cause shown for non appearance of the learned counsel for applicant at the time when present application was taken up in revised call is devoid of any deliberate negligence or laches.

In view of above, the recall application filed by applicant is liable to be allowed.

Accordingly, the order dated 20.1.2025 is, hereby, recalled. The recall application shall stand allowed.

Order on the Application Under Section 482 Cr. P. C.

In view of order of date passed on the recall application, the present application under Section 482 Cr.P. C. shall stand restored to its original number and status.

In view of observations made by the Apex Court, vide order dated 02.12.2024 passed in Special Leave to Appeal (Crl.) No (s). 11919/2024 (Ramdular Singh Vs. State of U.P. & Anr.), Court below shall defer the proceedings of the trial till the disposal of this application before this Court.

List for admission on 7.5.2025."

7. In the meantime, a counter affidavit dated 14.03.2023 on behalf of the opposite party no.2 to which a rejoinder affidavit 23.03.2023 was filed on behalf of the applicant.

8. At the very outset, learned counsel for the opposite party no.2 has submitted that although an order dated 18.10.2022 passed in Application U/S 482 No. 31531 of 2022 (Ram Dular Singh Vs. State of U.P. and Another) has been annexed as Annexure-2 to the affidavit but the fact

that the said petition was also filed to quash the entire proceedings of the said case along with the prayer to quash the order dated 12.09.2022 passed by the A.C.J.M.-IV, Varanasi in Case No. 330 of 2019, arising out of Case Crime No. 435 of 2017, Police Station Lohta, District Varanasi stood disposed of by the said order giving directions for consideration of bail of the accused applicant therein and thus the prayer for quashing of the entire proceedings was not entertained by the Court and thus the present application u/s 482 Cr.P.C. being the second application for the same prayer is not maintainable. It is further submitted that even the fact that the applicant had even earlier also filed an Application U/S 482 No. 32968 of 2019 (Ram Dular Singh Vs. State of U.P. and Another) challenging the order dated 13.08.2019 passed by the trial court which was also dismissed vide order dated 11.09.2019 and the said order is annexed as Annexure-1 to the affidavit would also render the present petition not maintainable in as much as even at that point of time the grounds as are being tried to be raised in the present petition were available but were not taken up before this Court in the 482 Cr.P.C. petitions. The said orders have been placed before the Court which read as under:-

(i) Application U/S 482 No. 32968 of 2019 (Ram Dular Singh Vs. State of U.P. and Another):

"Heard applicant's counsel as well as learned AGA for the State and perused the record.

Counsel for the applicant has not been able to point out any such illegality, impropriety or incorrectness, much less than any abuse of Court's process which may permit this court to interfere in the impugned order. This is interlocutory order in nature.

In the Trial Court, the reasons for absence of the accused could not be explained. Lower revisional court also sought explanation but the same could not be given even before lower revisional court.

Counsel has been fair enough to admit that accused has not obtained bail so far and still is seeking his discharge without submitting to the

jurisdiction of the Court. In such circumstances, there is absolutely no good reason for this Court to interfere with the impugned order.

The application lacks merit and it is dismissed."

(ii) Application U/S 482 No. 31531 of 2022 (Ram Dular Singh Vs. State of U.P. and Another):

“आवेदक की ओर से धारा 482 दं०प्र०सं० के अन्तर्गत यह आवेदन पत्र, मु०अ०सं० 0119 सन 2018, अन्तर्गत धारा 419, 420, 467, 468, 504, 506 471 भा०दं०वि०, थाना लोहटा, जिला वाराणसी में प्रेषित आरोप पत्र दि० 12-9-2022 से उद्भूत वाद सं० 330 सन 2019, जो फोर्थ ए०सी० जे०एम०, वाराणसी के न्यायालय में लम्बित है तथा इसमें पारित आदेश दि० 12-9-2022 के विरुद्ध दायर किया गया है।

आवेदक के विद्वान अधिवक्ता ने पूरक शपथपत्र दाखिल किया, इसे पत्रावली पर रखा जाय।

आवेदक के विद्वान अधिवक्ता, विपक्षी सं० 2 के विद्वान अधिवक्ता एवं विद्वान अपर शासकीय अधिवक्ता को सुना तथा पत्रावली का परिशीलन किया।

आवेदक के विद्वान अधिवक्ता का कथन है कि नियत तिथि पर आवेदक के अवर न्यायालय में अनुपस्थित हो जाने के कारण उनके विरुद्ध एन०बी०डब्लू० जारी कर दिया गया है, अब आवेदक अवर न्यायालय में नियत तिथि पर उपस्थित होने को तत्पर हैं।

आवेदक के विद्वान अधिवक्ता के अनुरोध के दृष्टिगत यह आवेदन पत्र अन्तिम रूप से निस्तारित किया जाता है तथा उपरोक्त वाद में पारित एन०बी०डब्लू० आदेश का कियान्वयन आज से 15 दिन के लिए स्थगित किया जाता है। यदि आवेदक द्वारा 15 दिन के अन्दर आदेश का अनुपालन सुनिश्चित नहीं किया जाता तो संबंधित अवर न्यायालय नियमानुसार आवश्यक कार्यवाही करने को स्वतंत्र है।”

9. It is submitted that as such this is the third petition by the same applicant with an intention to challenge the proceedings of the said case and get them quashed having been unsuccessful in two earlier petitions which is an attempt of forum hunting also.

10. Learned counsel for the applicant in order to meet out the said objection of learned counsel for the opposite party no.2 submitted that he has in all fairness disclosed the factum and filing of the said two earlier petitions in paragraph nos. 2 & 3 of the affidavit and now by way of the

present application is challenging the validity of the charge-sheet dated 16.02.2019 as well as the summoning order dated 13.03.2019 and the entire proceedings in the present matter. He has placed before the Court paragraph 2, 3 & 4 of the affidavit which reads as under:-

"2. That prior to the present case, two more applications were filed under section 482 Cr.P.C. for a different cause in which one application under section 482 Cr.P.C. was filed challenging the impugned order dated 11.09.2019 and it was dismissed on the ground stating that there is absolutely no good reason for the Hon'ble Court to interfere with the impugned order as the applicant has not obtained bail and still is seeking his discharge without submitting to the jurisdiction of the Court. Copy of the order dated 11.09.2019 passed by this Hon'ble Court is being filed herewith and marked as Annexure No.1 to this affidavit.

3. That further the applicant had also filed another application under section 482 Cr.P.C. challenging the coercive processes issued against the applicant vide order dated 12.09.2022 pending before the Court of learned ACJM-IV, Varanasi in which this Hon'ble Court vide order dated 18.10.2022 was pleased to dispose off the petition with the direction that the applicant shall surrender before the court below. Copy of the order dated 18.10.2022 passed by this Hon'ble Court is being filed herewith and marked as Annexure No.2 to this affidavit.

4. That by way of the present application, the applicant is challenging the legality and validity of the charge sheet dated 16.02.2019 as well as summoning order dated 13.03.2019 in Case No.330 of 2019 (State Vs. Ram Dular Singh and others) arising out of Case crime no.119 of 2018 under sections 419, 420, 467, 468, 471, 504, 506 IPC, Police Station Lohta, District Varanasi, pending in the Court of A.C.J.M.-IV, Varanasi."

11. Further learned counsel for the applicant submits that in so far as the prayer for quashing of the entire proceedings as prayed for in Application U/S 482 No. 31531 of 2022 is concerned, although the said petition stood disposed of finally vide order dated 18.10.2022 but the same was not considered and the applicant was directed to appear before the trial court within 15 days and secure bail and till that time the execution of the N.B.W. against him was stayed. It is submitted that thus the said petition during its disposal was confined only to issuance of

N.B.W. It is submitted that thus the present petition u/s 482 Cr.P.C. is maintainable and cannot be dismissed on the ground of being a second petition and the objection as raised at the inception by learned counsel for the opposite party no.2 is totally misplaced.

12. Further learned counsel for the applicant argued that the proceedings are an abuse of process of Court and the two orders passed by the High Court do not amount to review of the order passed by the co-ordinate bench in the quashing petition being Criminal Misc. Application U/S 482 No. 31531 of 2022 (Ram Dular Singh Vs. State of U.P. and Another), since the said order did not address the issue of quashing although a prayer for quashing was in it but the relief therein was confined only to the aspect of issuance of non - bailable warrant and liberty was granted with regards to it only and thus this petition is maintainable raising the grounds/pleas which were not effectively raised in the said quashing petition. He submitted further that the High Court has the power to exercise its inherent jurisdiction at any stage of criminal proceedings in order to prevent abuse of law and manifest injustice and exercise of such power cannot be termed to be in violation of the provisions of Section 362 Cr.P.C.

13. He lastly by addressing on the merits of the matter submitted that the dispute inter se between the parties is purely civil in nature and the admitted allegations can in no circumstance give rise to criminal prosecution. The criminal proceedings have been initiated against the accused-applicant with the sole intent of falsely implicating and harassing him.

14. This Court thus proceeds to examine the matter and this petition with the prayer as aforesaid as to whether this petition is maintainable at this instance or not.

15. The facts which cull out in the present matter are as under:-

(i) The applicant approached this Court by filing a petition being Application U/S 482 No. 32968 of 2019 (Ram Dular Singh Vs. State of U.P. and Another) with the following prayers:-

"It is therefore most respectfully prayed that Hon'ble Court may graciously be pleased to allow the present application and quashed/set aside the order dated 13-8-2019 passed by Incharge/Session Judge, Varanasi and further stay the proceedings of Criminal Case no-330 of 20194, C.C. No 119 0/2018, pending in the court of Additional Chief Judicial Magistrate-IV, Varanasi during the pendency of Criminal Revision no-220 of 2019 otherwise applicant will suffer great loss and injury.

And/ or pass such other and further order which this Hon'ble Court may deem fit and proper under the circumstances of the case."

(ii) The said petition stood dismissed vide order dated 11.09.2019 passed by another Bench of this Court (Quoted in Para 8 (i) above).

(iii) Subsequently the applicant filed a petition being Application U/S 482 No. 31531 of 2022 (Ram Dular Singh Vs. State of U.P. and Another) with the prayer to quash the order dated 12.09.2022 passed by the A.C.J.M., Varanasi and to quash the entire proceedings as well.

(iv) The order dated 12.09.2022 was an order by which N.B.W. was issued against the applicant.

(v) The said petition Application U/S 482 No. 31531 of 2022 came to be disposed by an order dated 18.10.2022 passed by a co-ordinate Bench of this Court directing the applicant therein to appear within 15 days before the trial court concerned and till the said period the operation of the N.B.W. was stayed (Quoted in Para 8 (ii) above).

(vi) Subsequently this application u/s 482 Cr.P.C. comes out by the same applicant for an effort to get the proceedings against him terminated by an order from this Court u/s 482 Cr.P.C. which are pending before the trial court concerned.

(vii) The order summoning is dated 13.03.2019 which has been challenged after about 03 years before this Court and in between two petitions u/s 482 Cr.P.C. were filed by the same applicant before this Court with different prayers (*amongst which one of the petitions carries a prayer to quash the proceedings of the trial court as well*) which have been detailed as above.

(viii) The law on the subject is trite.

A. The Apex Court in the case of *M.C. Ravikumar v. D.S. Velmurugan* : 2025 SCC OnLine SC 1498 took up a question for consideration which reads 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 ?””

The matter was the finally decided as under:

*“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*, 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*, (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 u/s 362. It is clearly stated in *Sooraj Devi v. Pyare Lal*, (1981) 1 SCC 500 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)

16. In the instant case, the quashing by the High Court of a similar complaint, i.e., Criminal Complaint No. 41 of 2015 filed by the complainant against the accused-respondents in respect of properties situated at Thanjavur vide order dated 9th March, 2020 was an event that happened well before the dismissal of the first quashing petition under Section 482 CrPC and the said ground/plea was manifestly available to the accused-respondents while seeking adjudication of the first quashing petition. That being the situation, the accused-respondents were not at liberty to invoke the inherent jurisdiction of the High Court raising the aforesaid ground/plea at a later point of time by filing the second quashing petition.”

B. The Apex Court in the case of *Vijay Kumar Ghai v. State of W.B. : (2022) 7 SCC 124* has in paragraphs 11, 12, 13, 14 and 17 while dealing with the issue of forum shopping and deprecating it has stated as follows:

“11. Predominantly, the Indian Judiciary has time and again reiterated that forum shopping takes several hues and shades but the concept of “forum shopping” has not been rendered an exclusive definition in any Indian statute. Forum shopping as per Merriam-Webster Dictionary is:

“The practice of choosing the court in which to bring an action from among those courts that could properly exercise jurisdiction based on determination of which court is likely to provide the most favourable outcome.”

12. The Indian Judiciary's observation and obiter dicta has aided in streamlining the concept of forum shopping in the Indian legal system. This Court has condemned the practice of forum shopping by litigants and termed it as an abuse of law and also deciphered different categories of forum shopping.

13. A two-Judge Bench of this Court in Union of India v. Cipla Ltd. [Union of India v. Cipla Ltd., (2017) 5 SCC 262] has laid down factors which lead to the practice of forum shopping or choice of forum by the litigants which are as follows : (SCC pp. 318-20, paras 148-51 & 155)

“148. A classic example of forum shopping is when litigant approaches one court for relief but does not get the desired relief and then approaches another court for the same relief. This occurred in *Rajiv Bhatia v. State (NCT of Delhi)* [*Rajiv Bhatia v. State (NCT of Delhi)*, (1999) 8 SCC 525]. The respondent mother of a young child had filed a petition for a writ of habeas corpus in the Rajasthan High Court and apparently did not get the required relief from that Court. She then filed a petition in the Delhi High Court also for a writ of habeas corpus and obtained the necessary relief. Notwithstanding this, this Court did not interfere with the order [*Priyanka Bhatia v. State (NCT of Delhi)*, 1999 SCC OnLine Del 192] passed by the Delhi High Court for the reason that this Court ascertained the views of the child and found that she did not want to even talk to her adoptive parents and therefore the custody of the child granted by the Delhi High Court to the respondent mother was not interfered with. The decision of this Court is on its own facts, even though it is a classic case of forum shopping.

149. In *Arathi Bandi v. Bandi Jagadrakshaka Rao* [*Arathi Bandi v. Bandi Jagadrakshaka Rao*, (2013) 15 SCC 790 : (2014) 5 SCC (Civ) 475] this Court noted that jurisdiction in a court is not attracted by the operation or creation of fortuitous circumstances. In that case, circumstances were created by one of the parties to the dispute to confer jurisdiction on a particular High Court. This was frowned upon by this Court by observing that to allow the assumption of jurisdiction in created circumstances would only result in encouraging forum shopping.

150. Another case of creating circumstances for the purposes of forum shopping was *World Tanker Carrier Corpn. v. SNP Shipping Services (P) Ltd.* [*World Tanker Carrier Corpn. v. SNP Shipping Services (P) Ltd.*, (1998) 5 SCC 310] wherein it was observed that the respondent/plaintiff had made a deliberate attempt to bring the cause of action, namely, a collision between two vessels on the high seas within the jurisdiction of the Bombay High Court. Bringing one of the vessels to Bombay in order to confer jurisdiction on the Bombay High Court had the character of forum shopping rather than anything else.

151. Another form of forum shopping is taking advantage of a view held by a particular High Court in contrast to a different view held by another High Court. In *Ambica Industries v. CCE* [*Ambica Industries v. CCE*, (2007) 6 SCC 769] the assessee was from Lucknow. It challenged an order [*Ambica Industries v. CCE*, 2003 SCC OnLine CESTAT 1365] passed by the Customs, Excise and Service Tax Appellate Tribunal (“CESTAT”) located in Delhi before the Delhi High Court. CESTAT had jurisdiction over the State of Uttar Pradesh, NCT of Delhi and Maharashtra. The Delhi High Court did not entertain the proceedings initiated by the assessee for want of territorial jurisdiction. Dismissing the assessee's appeal this Court gave the example of an

assessee affected by an assessment order in Bombay invoking the jurisdiction of the Delhi High Court to take advantage of the law laid down by the Delhi High Court or an assessee affected by an order of assessment made at Bombay invoking the jurisdiction of the Allahabad High Court to take advantage of the law laid down by it and consequently evade the law laid down by the Bombay High Court. It was said that this could not be allowed and circumstances such as this would lead to some sort of judicial anarchy.

155. The decisions referred to clearly lay down the principle that the court is required to adopt a functional test vis-à-vis the litigation and the litigant. What has to be seen is whether there is any functional similarity in the proceedings between one court and another or whether there is some sort of subterfuge on the part of a litigant. It is this functional test that will determine whether a litigant is indulging in forum shopping or not.”

14. Forum shopping has been termed as disreputable practice by the courts and has no sanction and paramountcy in law. In spite of this Court condemning the practice of forum shopping, Respondent 2 filed two complaints i.e. a complaint under Section 156(3) CrPC before the Tis Hazari Court, New Delhi on 6-6-2012 and a complaint which was eventually registered as FIR No. 168 under Sections 406, 420, 120-BIPC before PS Bowbazar, Calcutta on 28-3-2013 i.e. one in Delhi and one complaint in Kolkata. The complaint filed in Kolkata was a reproduction of the complaint filed in Delhi except with the change of place of occurrence in order to create a jurisdiction.

17. A two-Judge Bench of this Court in K. Jayaram v. BDA [K. Jayaram v. BDA, (2022) 12 SCC 815 : 2021 SCC OnLine SC 1194] observed : (SCC para 14)

“14. It is necessary for us to state here that in order to check multiplicity of proceedings pertaining to the same subject-matter and more importantly to stop the menace of soliciting inconsistent orders through different judicial forums by suppressing material facts either by remaining silent or by making misleading statements in the pleadings in order to escape the liability of making a false statement, we are of the view that the parties have to disclose the details of all legal proceedings and litigations either past or present concerning any part of the subject-matter of dispute which is within their knowledge. In case, according to the parties to the dispute, no legal proceedings or court litigations were or are pending, they have to mandatorily state so in their pleadings in order to resolve the dispute between the parties in accordance with law.”

The said petition was dismissed on various counts including forum hunting.

16. A ground abandoned by the applicant at the time of previous two petitions, although available at that time cannot be agitated at a subsequent period of time. The challenges in this matter have been in piecemeal by the applicant. Even a challenge of proceedings in Application U/S 482 No. 31531 of 2022 (Ram Dular Singh Vs. State of U.P. and Another) was abandoned by him but now the same is being taken up in a new petition being the present one.

17. Thus this Court holds that the present petition under Section 482 Cr.P.C. is a repeated attempt of the same applicant for setting aside the proceedings against him pending before the trial court which is not maintainable. This is even forum hunting by him.

18. The present petition under Section 482 Cr.P.C. is thus *dismissed*.

19. Pending application(s), if any, shall stand disposed of.

April 8, 2026
AS Rathore

(Samit Gopal,J.)