



2026:AHC-LKO:19095

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**APPLICATION U/S 528 BNSS No. - 963 of 2026**

Govind Uttamchandani Director Syska Led Lights Pvt. Ltd., Maharashtra  
.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another  
.....Opposite  
Party(s)

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|-------------------------------|---|-----------------------------|
| Counsel for Applicant(s)      | : | Richa Mishra, Radhika Singh |
| Counsel for Opposite Party(s) | : | G.A., Rishabh Raj           |

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**Along with :**

**1. Application U/s 528 Bnss No. 969 of 2026:**

Govind Uttamchandani

Versus

State of U.P. Thru. Prin. Secy. Home Deptt. Lucknow and others

**2. Application U/s 528 Bnss No. 970 of 2026:**

Govind Uttamchandani

Versus

State of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko. and  
another

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**Reserved on 12.03.2026, Delivered and uploaded on 17.03.2026 AFR**

**HON'BLE BRIJ RAJ SINGH, J.**

1. Since the common question of facts and law are involved in all the three applications, therefore, they are being heard and decided together by a common judgement.

2. Application U/s 528 BNSS No.963 of 2026 has been filed seeking quashing of the entire proceedings of Complaint Case No.7723 of 2025, Pramod Telecom Pvt. Ltd. Vs. Syska LED Light Private Limited and others, under Section 138 read with 142 of Negotiable Instrument Act, Police Station Hazratganj, District Lucknow and the summoning order dated 12.09.2025 passed by the Presiding Officer, Additional Court No.2(NI Act), Lucknow.

3. Application U/s 528 BNSS No.969 of 2026 has been filed seeking quashing of the entire proceedings of Complaint Case No.7721 of 2025, Pramod Telecom Pvt. Ltd. Vs. Syska LED Light Private Limited and

others, under Section 138 read with 142 of Negotiable Instrument Act, Police Station Hazratganj, District Lucknow and the summoning order dated 12.09.2025 passed by the Presiding Officer, Additional Court No.2(NI Act), Lucknow.

4. Application U/s 528 BNSS No.970 of 2026 has been filed seeking quashing of the entire proceedings of Complaint Case No.7722 of 2025, Pramod Telecom Pvt. Ltd. Vs. Syska LED Light Private Limited and others, under Section 138 read with 142 of Negotiable Instrument Act, Police Station Hazratganj, District Lucknow and the summoning order dated 12.09.2025 passed by the Presiding Officer, Additional Court No.2 (NI Act), Lucknow.

5. At the very outset, a preliminary objection has been raised by Sri Rishabh Raj, counsel for opposite party no.2 that present applications are the second applications under Section 528 BNSS because earlier the applicant had filed Application U/s 528 BNSS No.419 of 2026 making a prayer that all the consequential proceedings arising out of the Complaint Case No.7723 of 2025, under Section 138 read with 142 of Negotiable Instrument Act may be quashed though he had available all the factual and legal pleas at the time of filing of the aforesaid application. It is also pointed out that in paragraph-18 of Application U/s 528 BNSS No.419 of 2026, the applicant has categorically mentioned that he is ready to face and cooperate in the trial. It is submitted that once such statement of fact has been given, he cannot resile back from his own statement and filing of the second application for the same cause of action is not maintainable. Fro the sake of convenience, paragraph-18 of Application U/s 528 BNSS No.419 of 2026 is quoted below:-

*“18. That the mandate of Section 143(3) NI Act, 1881 is for the conclusion of the trial early but with due procedure. In the instant case, cognizance has been taken on 12.09.2025, as such, there is no contribution for the delay on the accused persons. Needless to mention that trial begins after framing of charges, applicants undertake to cooperate with the trial and will abide by all conditions so that trial could be decided expeditiously with due process of law and within the procedure of BNSS 2023. The Learned Trial Court has wrongly interpreted the order of the Hon'ble High Court, and taking the note of order passed by this Hon'ble High Court, had issued NBW and Proclamation under Section 82 Cr.P.C. which is contrary to the provisions of Cr.P.C./BNSS as well as contrary to the law settled by Hon'ble Supreme Court.”*

6. While considering the submission made by the learned counsel for opposite party no.2, it is also relevant to quote the prayer made in the earlier application i.e. Application U/s 528 BNSS No.419 of 2026:-

*“.. It is most respectfully prayed that in the aforesaid facts and circumstances, the application preferred under section 528 BNSS, 2023 may kindly be allowed and the Impugned Order dated 12.01.2026 for Issuance of Non-Bailable Warrant and Order dated 19.01.2026 for Issuance of Non-Bailable Warrant and Section 82 Cr.P.C. proceedings (corresponding section 84 BNSS) passed by Learned Court of Additional Court No.4 (NI Act), Lucknow, alongwith all consequential proceedings arising out of Complaint Case No. 7723 of 2025 under section 138 read with 142 of NI Act, PS: Hazratganj, Lucknow (Pramod Telecom Pvt. Ltd. Versus Syska LED Light Pvt. Ltd. & Ors), pending before Learned Court of Additional Court No.4 (NI Act), Lucknow, may kindly be quashed/set-aside in the interest of justice.”*

7. Counsel for opposite party no.2 has further submitted that a bare perusal of the prayer made in the earlier application indicates that though the prayer made in the present application and in the earlier application is the same, but counsel for the applicant has confined his prayer only to the extent that non-bailable warrant and the order for initiating proceedings under Section 82 Cr.P.C. may be set aside and the applicant may be permitted to appear before the trial court. The relevant portion of the order passed in Application U/s 528 BNSS No.419 of 2026 reads as under :-

*“16. Be that as it may, the record reveals that the Non-Bailable Warrant has been issued without service on the accused. Bailable Warrant was issued on 05.01.2026 fixing date 12.01.2026. Without any service report the Non-Bailable Warrant was issued on 12.01.2026 fixing date 19.01.2026. There is also no service report to the effect that Non-Bailable Warrant was served on the applicant. It is also relevant to be noted that on 19.01.2026 the coercive order under Section 82, Cr.P.C. has been issued and at the same time Non-Bailable Warrant has also been issued, which is in violation of Section 82, Cr.P.C., wherein the time-limit is provided, i.e., 30 days, and also the case of the applicants is covered by the cases of Kunwar Mahendra Pratap Singh (supra) and Vinod Kumar Singh (supra).*

*17. In view of the aforesaid discussion, the application is allowed. Order dated 12.01.2026 for issuance of Non-Bailable Warrant and Order dated 19.01.2026 for Issuance of proclamation under Section 82 Cr.P.C. proceedings (corresponding section 84 BNSS) passed by Learned Court of Additional Court No.4 (NI Act), Lucknow, in Complaint Case No. 7723 of 2025 under section 138 read with 142 of NI Act, PS: Hazratganj, Lucknow (Pramod Telecom Pvt. Ltd. Versus Syska LED Light Pvt. Ltd. & Ors), are hereby quashed/set-aside.*

*18. The applicants will appear before the court below within 10 days from today and the court below will pass appropriate order on the application of the applicants.*

*19. It is made clear that parties will cooperate in the proceedings and they will not seek adjournment, unless necessary.*

*20. The trial court is directed to decide the case as expeditiously as possible.”*

8. Counsel for opposite party no.2 has further submitted that once all the pleas and the documents were available to the applicant, he could have pressed the relief in the earlier application, but he cannot be allowed to file a second application raising the same pleas, which he did not press in

the earlier application. He has further submitted that applicant did not intentionally press the other part of the prayer in the earlier application for quashing the entire proceedings because he wanted to surrender before the trial court and pleaded that since the non-bailable warrant and the order for initiating 82 Cr.P.C. proceedings have been issued on the same date, which was illegal.

9. Counsel for opposite party no.2 has further submitted that once the statement has been given by the applicant in the earlier application that he will face the trial, it is not open for him to challenge the same criminal proceedings by way of second application under Section 528 BNSS. In support of his contention, counsel for opposite party no.2 has placed reliance upon the following judgements:-

**1. *Bhisham Lal Verma Vs. State of Uttar Pradesh and another*, (2024) 15 SCC 282;**

**2. *M.C. Ravikumar Vs. D.S. Velmurugan and others*, 2025 SCC OnLine SC 1498.**

10. On the other hand, Sri Purnendu Chakravarty, learned Senior Advocate, assisted by Ms. Radhika Singh and Ms. Richa Mishra for the applicant has submitted that since the non-bailable warrant and the order for initiating the proceedings under Section 82 Cr.P.C. could not have been passed on the same day, the applicant has pressed the relief only to that extent in the earlier application and this Court was pleased to set aside the same being illegal. He has further submitted that all the other pleas for quashing the criminal proceedings, including the summoning order, the applicant has got his legal right to challenge the same even second time.

11. Learned Senior Counsel has further submitted that as soon as the non-bailable warrant and the proceedings under Section 82 Cr.P.C. are set aside and the applicant appeared before the trial court, it is deemed that applicant has appeared before the trial court and after getting copy of the summoning order and other documents and he can file the second application, therefore, there is no abuse of process of law. It is submitted that opportunity to the applicant for seeking quashing of the criminal proceedings cannot be closed. Further, statement of fact given in paragraph-18 of Application U/s 528 BNSS No.419 of 2026 will not bar

the applicant to raise the legal and factual pleas before this Court because under Section 528 BNSS, this Court has got inherent power to meet out the ends of justice. For the sake of convenience, Section 528 BNSS is quoted below:-

**“528. Saving of inherent powers of High Court.**

*Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”*

12. In support of his contention, learned Senior Counsel has placed reliance upon the following judgements:-

1. ***S. Madan Kumar Vs. K. Arjunana***, 2006 (1) MWN (Cr.) 1 (DCC);
2. ***Anil Khadkiwala Vs. State (Government of NCT of Delhi) and another***, (2019) 17 SCC 294;
3. ***Kamal Agarwal (M.D.) Vs. State of Uttar Pradesh and another***, 2025 SCC OnLine All 7847;
4. ***Vinod Kumar, IAS Vs. Union of India and others***, 2021 SCC OnLine SC 559;
5. ***Superintendent and Remembrancer of Legal Affairs, West Bengal Vs. Mohan Singh and others***, (1975) 3 SCC 706.

13. Sri Rao Narendra Singh, learned AGA-1 appearing for the State-opposite party no.1 has adopted the arguments raised by counsel for opposite party no.2.

14. Heard learned counsel for the parties and perused the record.

15. The Madras High Court in the case of ***S. Madan Kumar*** (supra) has considered the aspect of subsequent filing of application under Section 482 Cr.P.C. and it has been held that a person while invoking the provision under Section 482 Cr.P.C. should honestly come before the Court submitting all the pleas available to him at that point of time. He is not supposed to approach the Court with installment pleas seeking the same remedy from the Court. However, there is distinction provided that there may be change of circumstances during the course of criminal proceedings which would give scope for the person aggrieved to knock the door of the Court, but in the present case, all the pleas were available to the applicant and the prayer was also made to the effect that the entire

criminal proceedings should be quashed. Paragraphs 9, 13 and 14 of the aforesaid judgement are quoted below:-

*“9. In this case, the accused was aware of the alleged lack of pleadings in the complaint even at the time of receiving the summons from the Court on taking the case on file. At least when the accused filed a petition earlier under Section 482 of the Code of Criminal Procedure, the alleged non observance of the legal requirement under Section 138 of the Negotiable Instruments Act in the complaint was known to him. He had conveniently omitted to take such a legal plea when he filed the petition earlier under Section 482 of the Code of Criminal Procedure.*

*13. A person, who invokes the provision under Section 482 of the Code of Criminal Procedure should honestly come before the Court submitting all the pleas available to him at that point of time. He is not supposed to approach the Court with instalment pleas seeking remedy from the Court. There may be change of circumstances during the course of criminal proceedings which would give scope for the person aggrieved to knock at the inherent jurisdiction of this 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 very same relief.*

*14. In this case, the petitioner who had already entered on trial filed the second petition invoking the provision under Section 482 of the Code of Criminal Procedure without any change of circumstances. If such petitions are entertained, there will be no end for the litigations and the parties will definitely start misusing the process of law. In view of the above, it is held that the second petition filed under Section 482 of the Code of Criminal Procedure putting forth a legal plea, when the factual plea projected in the earlier petition under Section 482 of the Code of Criminal Procedure was rejected, is found not sustainable.”*

16. The matter of **S. Madan Kumar** (supra) went to the Hon’ble Supreme Court in the case of **Bhisham Lal Verma** (supra) and Hon’ble Supreme Court has also expressed agreement in respect of the judgement passed in **S. Madan Kumar** (supra) and has observed that a person who invokes Section 482 Cr.P.C. should honestly come before the Court raising all the legal and factual pleas available to him at the time of filing the application and he cannot file successive application on the same question of fact and he cannot withhold the part of which for the purpose of filing second application seeking the same relief subsequently. Paragraphs of 10 and 11 of the aforesaid judgement are quoted below:-

*“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 482CrPC 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 482CrPC 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 482CrPC, though all such pleas were very much available even at the first instance. Permitting the filing of successive petitions under Section 482CrPC 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 482CrPC, irrespective of when the cause therefor arose. Such abuse of process cannot be permitted.”*

17. Hon’ble Supreme Court has considered the aspect of filing of the subsequent application under Section 482 Cr.P.C. in the case of **M.C. Ravikumar** (supra) and it has been observed that the order passed by the High Court in the second quashing petition amounted to review of the earlier order passed by the coordinate Bench of the High Court in first quashing petition. Paragraphs 13 and 14 of the aforesaid judgement are extracted below:-

*“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<sup>18</sup>, 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.”*

*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.”*

18. In the case of **Anil Khadkiwala** (supra), there was changed

circumstance because Form-32 did not fall for consideration by the Court in earlier application. The factum of resignation was not in dispute, therefore, the subsequent application filed by the petitioner was heard and decided. Paragraph-7 of the aforesaid judgement is quoted below:-

*“7. The complaint filed by respondent no.2 alleges issuance of the cheques by the appellant as Director on 15.02.2001 and 28.02.2001. The appellant in his reply dated 31.08.2001, to the statutory notice, had denied answerability in view of his resignation on 20.01.2001. This fact does not find mention in the complaint. There is no allegation in the complaint that the cheques were post-dated. Even otherwise, the appellant had taken a specific objection in his earlier application under Section 482, Cr.P.C. that he had resigned from the Company on 20.01.2001 and which had been accepted. From the tenor of the order of the High Court on the earlier occasion it does not appear that Form 32 issued by the Registrar of Companies was brought on record in support of the resignation. The High Court dismissed the quashing application without considering the contention of the appellant that he had resigned from the post of the Director of the Company prior to the issuance of the cheques and the effect thereof in the facts and circumstances of the case. The High Court in the fresh application under Section 482, Cr.P.C. initially was therefore satisfied to issue notice in the matter after noticing the Form 32 certificate. Naturally there was a difference between the earlier application and the subsequent one, inasmuch as the statutory Form 32 did not fall for consideration by the Court earlier. The factum of resignation is not in dispute between the parties. The subsequent application, strictly speaking, therefore cannot be said to a repeat application squarely on the same facts and circumstances.”*

19. Hon’ble Supreme Court in the case of **Vinod Kumar, IAS** (supra) while considering the case of **Superintendent and Remembrancer of Legal Affairs, West Bengal** (supra) has held that second application under Section 482 Cr.P.C. is not barred if there is circumstance to justify the case. The relevant paragraph of the aforesaid judgement is quoted below:-

*“The law on point as held by this Court in Superintendent and Remembrancer of Legal Affairs, West Bengal Vs. Mohan Singh and others, (1975) 3 SCC 706 is clear that dismissal of an earlier 482 petition does not bar filing of subsequent petition under Section 482, in case the facts so justify.”*

20. This Court in the case of **Kamal Agarwal** (supra) has permitted the applicant to withdraw the application filed under Section 482 Cr.P.C. and to move an application seeking discharge through counsel before the trial court. The applicant in pursuance of the direction dated 28.05.2025 filed an application seeking discharge, but the same was rejected by the trial court on the ground that it was not maintainable and seeking discharge could not have been heard by the trial Court in complaint case. In the aforesaid case, there was changed circumstance for the reason that applicants were relegated to the trial court to avail the remedy of moving an application seeking discharge. Thus, fresh cause of action arose and

that is why the second application was entertained. Paragraph-21 of the aforesaid judgement is quoted below:-

*“21. After going through the records, it is apparent that the Applicants had earlier challenged the impugned summoning order as well as the entire proceedings of Complaint Case No. 9669 of 2024 in earlier application i.e. APPLICATION U/s 482 No. 4525 of 2025 before this Court, and this Court permitted the Applicants to withdraw the said application and to move application seeking discharge through counsel before the trial Court. The Applicants, in pursuance of the direction dated 28.05.2025, filed an application seeking discharge, but the same was rejected by the trial Court on the ground that it was not maintainable and seeking discharge could not have been heard by the trial Court in complaint cases. The Applicants have filed the present applications challenging the impugned summoning order as well as the entire criminal proceedings, which were challenged by them earlier. It is evident that the Applicants were relegated to the trial Court to avail the remedy of moving application seeking discharge, however, the said remedy is legally not maintainable, therefore, merit of the case was not decided. The cause which they espoused was not looked into, and no order on merit was passed. Since the application seeking discharge was rejected on the ground of maintainability, it is a changed circumstance, and the second application under Section 482 Cr.P.C. is maintainable in view of the law declared by the Supreme Court in the case of Muskan Enterprises and Another (Supra), Anil Khadkiwala (Supra) and Bhisham Lal Verma (Supra). It is held that the present second application under Section 482 Cr.P.C. filed is maintainable.”*

21. In view of the aforesaid discussion, it is clear that applicant had approached this Court under Section 528 BNSS making a prayer to quash the entire criminal proceedings. All the pleas were available to him, but he did not press the relief for quashing the criminal proceedings and only requested to set aside the orders issuing non-bailable warrant and for initiation of proceedings under Section 82 Cr.P.C. The applicant has again come before this Court by way of filing second application under Section 528 BNSS making the same prayer to quash the entire criminal proceedings and he has tried to address the Court that it is a changed circumstance. In fact, there is no changed circumstance. All the legal and factual pleas were available to the applicant at the time of filing the earlier application, but he did not press the same and he had also given a statement of fact in paragraph-18 of the earlier application that he wanted to face the trial. The law is settled that a person who invokes the provision of Section 482 Cr.P.C./528 BNSS should honestly come before the Court at the time of filing the application and he is not supposed to approach the Court with installment pleas. From the date of earlier rejection order dated 11.02.2026 till today, there is no changed circumstance and all the factual and legal pleas were available to the applicant at the time of filing the earlier application. In fact, the applicant had also made prayer to quash

the entire criminal proceedings in the earlier application also. Therefore, the applicant cannot be allowed to withhold part of which for the purpose of filing yet another application seeking the same relief. Thus, the case of the applicant is fully covered with the cases of ***Bhisham Lal Verma and M.C. Ravikumar*** (supra) and amounts to abuse of process of the court, therefore, the second application for the same cause of action is not maintainable.

22. In view of the aforesaid discussion, all the ***three applications are rejected being not maintainable***. Interim order stands vacated.

(Brij Raj Singh,J.)

March 17, 2026

Rao/-