



2026:AHC:125725

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 19513 of 2026

Chedi Lal Sharma And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashish Kumar Singh, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 34

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Gopal Swaroop Chaturvedi, learned Senior Counsel assisted by Sri Ashish Kumar Singh, learned counsel for the applicants and learned A.G.A. for the State.

2. The present application under Section 528 B.N.S.S. has been filed for quashing/setting aside the impugned order dated 27.1.2018 passed by A.C.J.M., Meerut in discharge application, impugned order dated 7.6.2018 passed by Additional Session Judge/Special Judge (E.C. Act), Meerut in Crl. Revision No.133 of 2018 and impugned order dated 20.1.2026 for framing of charge passed by Additional Chief Judicial Magistrate, Court No.7, Meerut in Crl. Case No.15065/2016 (State Vs. Chedi Lal & Others) arising out of Case Crime No.0413 of 2016, under Sections 406, 323, 504 & 506 I.P.C., Police Station Brahampuri, District Meerut, pending in the Court of Additional Chief Judicial Magistrate, Court No.7.

3. Learned counsel for the applicants submitted that opposite party No. 2 lodged a First Information Report as Case Crime No. 0413 of 2016, under Sections 406, 323, 504 and 506 I.P.C., at Police Station Brahampuri, District Meerut. He further submitted that there were certain business transactions between the applicants and opposite party No. 2 and a dispute arose between them regarding payment, on account of which the present F.I.R. was lodged. He further submitted that no offence is disclosed against the applicants and the present prosecution has been instituted with a mala-fide intention only to harass them. The dispute

between the parties is purely civil in nature. He further submitted that, after registration of the F.I.R., the applicants filed Criminal Misc. Writ Petition No.23874 of 2016 before this Court and Division Bench of this Court, vide order dated 22.11.2016, directed the police not to arrest the applicants till submission of the police report under Section 173(2) Cr.P.C. After completion of the investigation, a charge sheet was submitted against the applicants. Thereafter, the applicants filed an Application under Section 482 Cr.P.C. No.22437 of 2017 before this Court. A co-ordinate Bench of this Court, vide order dated 20.07.2017, refused to quash the proceedings but granted liberty to the applicants to file a discharge application and directed the trial court to decide the same in accordance with law. Pursuant thereto, the applicants filed a discharge application, which was dismissed by the learned A.C.J.M., Court No. 5, Meerut, vide order dated 27.01.2018. Aggrieved thereby, the applicants preferred Criminal Revision No.133 of 2018, which was also dismissed by the learned Additional Sessions Judge/Special Judge, (E.C. Act) Meerut, vide order dated 07.06.2018. Thereafter, charges were framed against the applicants by the Additional Chief Judicial Magistrate, Court No.7, Meerut vide order dated 20.01.2026.

4. Learned counsel for the applicants further submitted that the learned A.C.J.M., Court No. 5, Meerut as well as the learned Additional Sessions Judge/Special Judge, (E.C. Act) Meerut, have not passed the impugned orders in accordance with the evidence available on record. He submitted that the matter is purely civil in nature and that, on the basis of the material collected during investigation, no offence under Section 406 I.P.C. is made out against the applicants. It was further contended that the discharge application filed by the applicants was rejected by the learned trial court without proper application of judicial mind. Therefore, the orders dated 27.01.2018, 07.06.2018 and 20.01.2026 are liable to be set aside.

5. Per contra, learned A.G.A. submitted that the applicants have suppressed the material fact, the applicants had earlier filed an Application under Section 482 Cr.P.C. No.24035 of 2018 seeking quashing of the order dated 27.01.2018 passed by the learned A.C.J.M., Court No. 5, Meerut as well as the order dated 07.06.2018 passed by the

learned Additional Sessions Judge/Special Judge, (E.C. Act) Meerut. However, the said application was dismissed by a co-ordinate Bench of this Court vide order dated 08.08.2018. He further submitted that the present application has been filed seeking substantially the same relief which has already been declined by this Court. Therefore, the present application is not maintainable and is liable to be dismissed.

6. As per the facts of the present case, opposite party No. 2 lodged a First Information Report as Case Crime No.0413 of 2016, under Sections 406, 323, 504 and 506 I.P.C. The applicants filed a discharge application, which was dismissed by the learned Additional Chief Judicial Magistrate, Court No. 5, Meerut, vide order dated 27.01.2018. Thereafter, the applicants preferred Criminal Revision No.133 of 2018, which was also dismissed by the learned Additional Sessions Judge/Special Judge, (E.C. Act) Meerut, vide order dated 07.06.2018. Subsequently, charges were framed against the applicants by the trial court vide order dated 20.01.2026. The applicants had earlier filed an Application under Section 482 Cr.P.C. No.24035 of 2018 seeking quashing of the orders dated 27.01.2018 and 07.06.2018. However, the said application was dismissed by a co-ordinate Bench of this Court vide order dated 08.08.2018. The order dated 08.08.2018 is reproduced hereinbelow:

"Heard Namit Srivastava, learned counsel for the applicants and Sri Narendra Kumar Tiwari, learned brief holding for the State.

This 482 Cr.P.C. application has been filed with a prayer to quash the order dated 27.01.2018 passed by the Additional Chief Judicial Magistrate, Court No.5, Meerut, rejecting the discharge application preferred by the applicants and order dated 07.06.2018 passed in Criminal Revision No.133 of 2018(Chhedi Lal Sharma and 3 others Vs. State of U.P. and another) and also the applicants may be discharge from Criminal Case No. 3256 of 2016 (State Vs. Chhedi Lal Sharma and 3 others), arising out of Case Crime No. 413 of 2016, under Sections 406, 323, 504, 506 IPC, Police Station Brahmpuri, District Meerut, pending before the Additional Chief Judicial Magistrate, Court No.5, Meerut, District Meerut.

The learned counsel for the applicants submits that the dispute between the parties is purely of civil nature, but the discharge application of the

applicants has been rejected by the court below by passing the impugned order, which shows non application of mind by the court below and also the company has not been made a party in the present case.

The learned AGA opposed the prayer and submitted that against that order the applicants has approached this Court and file an application under Section 482 Cr.P.C. in which an order was passed by this Court for appearing through counsel and file a discharge application and the same has been rejected by trial court which does not suffer from any infirmity or illegality.

After having heard the learned counsel for the parties present and perused the impugned order as well as the material brought on record, I am of the view that the impugned order is based upon relevant considerations and supported by cogent reasons, hence requires no interference by this Court in its inherent power under Section 482 Cr.P.C.

*The application lacks merits and is accordingly **dismissed.**"*

7. As is evident from the aforesaid order passed by the co-ordinate Bench of this Court, the applicants had already challenged both the impugned orders dated 27.01.2018 and 07.06.2018 by filing an Application U/S 482 Cr.P.C. No.24035 of 2018. The said application was dismissed vide order dated 08.08.2018. Despite the aforesaid fact, the applicants have again filed the present application under Section 528 B.N.S.S. seeking substantially the same relief. The applicants have not disclosed the complete facts that they had earlier challenged the same impugned orders before this Court by filing an application under Section 482 Cr.P.C., which was already dismissed by a co-ordinate Bench of this Court. It is well settled that a second application under Section 482 Cr.P.C./Section 528 B.N.S.S., seeking the same relief on the same set of facts, is not maintainable unless there is a material change in circumstances or any subsequent event giving rise to a fresh cause of action.

8. In the present case, no such change in circumstances has been brought on record. Therefore, the present application is not maintainable and is liable to be dismissed.

9. Accordingly, the application is **dismissed**.

June 4, 2026
Md Faisal

(Chawan Prakash,J.)