

[2021 PLR-SCEJ 933Download](#)

SUPREME COURT OF INDIA

Before : Justice Uday Umesh Lalit , Justice Indira Banerjee, Justice Ajay Rastogi.

VINOD KUMAR, IAS – Petitioner(s)

versus

UNION OF INDIA & ors – Respondent(s)

Writ Petition(s)(Criminal) No(s). 255/2021

29.06.2021

Criminal Procedure Code, 1973 , Section 482 - Dismissal of an earlier 482 petition does not bar filing of subsequent petition under Section 482, in case the facts so justify.

For Petitioner(s): Ms. Sonia Mathur, Sr. Adv. Mr. Sachin Sharma, AOR Mr. Sushil Kumar Duber Adv. Mr. Vidishi Kumar Adv Mr. Noor Rampal, Adv. Mr. Puneet Pathak, Adv.

UPON hearing the counsel the Court made the following

ORDER

This petition filed under Article 32 of the Constitution seeks quashing of Criminal complaints/FIRs mentioned in Annexure P-3. Annexure P-3 in turn refers to 28 cases filed or initiated against the petitioner including cases listed at Sl. Nos. 12 and 24 where conviction was recorded against the petitioner on 24.09.2018 and 10.08.2018 respectively.

- In the facts and circumstances of the case, we see no reason to entertain this petition under Article 32. The petitioner, if so advised, can always file appropriate applications under the Code of Criminal Procedure ("The Code", for short) seeking quashing of the individual criminal cases or complaints.
- At this stage, Ms. Sonia Mathur, learned Senior Advocate submits that the petitioner had approached the High Court on earlier occasions filing applications under Section 482 of the Code which were later withdrawn.
- The law on point as held by this Court in **"Superintendent and Remembrancer of Legal Affairs, West Bengal v. Mohan Singh & Ors." , 1974 SCeJ 001**, (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.
- Needless to say that as and when any appropriate application under the Code is preferred by the petitioner, the same shall be dealt with purely on its own merits without being influenced by the dismissal of the instant writ petition.

- Pending applications, if any, shall stand disposed of.

SS