



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI

&

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

WRIT PETITION No. 19914 of 2023

ASHOK

Versus

SMT. RENUKA KANCHAN AND OTHERS

Appearance :

Petitioner in person.

Shri Yogesh Dhande – Govt. Advocate for the respondent No.8-State.

Reserved on : 23.10.2024

Pronounced on : 06.11.2024

ORDER

Per: Justice Sushrut Arvind Dharmadhikari

Heard on the question of admission.

The instant petition under Article 226 of the Constitution of India has been preferred by the petitioner challenging the following orders *inter-alia* on the ground of violation of Fundamental Rights Guaranteed Under Articles 14, 21 & 22 of the Constitution of India.

Date of orders	Passed in	Name & Designation of Court
16.12.2020	Session Trial No.699/2016	Special Judge Smt. Renuka Kanchan, SC/ST Act, ADJ-I



13.01.2021	Session Trial No.699/2016	Special Judge Smt. Renuka Kanchan, SC/ST Act, ADJ-I
11.02.2022	Session Trial No.699/2016	Special Judge Shri Deepak Gupta, SC/ST Act, ADJ-I Indore
15.06.2022	Session Trial No.699/2016	Special Judge Shri Manoj Kumar Tiwari (Sr.) SC/ST Act, ADJ-I Indore
02.02.2023	Session Trial No.699/2016	Special Judge Shri Manoj Kumar Tiwari (Sr.) SC/ST Act, ADJ-I Indore

2. On perusal of instant petition as well as digital record of other petitions pertaining to petitioner's case, brief facts of the case are that the petitioner is facing trial in Sessions Trial No. 699/2016 pending before the Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Indore, arising out of FIR No.09/2016 registered at Police Station Crime Branch, Indore, for the offence punishable under Sections 420, 467, 468, 471, 424, 120-B of the IPC. The petitioner by a petition filed under Section 482 of the Cr.P.C. registered as M.Cr.C. No.6851/2017 at Bench Indore sought quashment of above numbered FIR, which was withdrawn by him on 05.09.2017. Thereafter, the petitioner again approached the Indore Bench of this Court by way of filing M.Cr.C No.25614/2017 for grant of bail which was allowed with a condition to deposit a sum of Rs.25 Lakhs. During trial, charge-sheet has been served upon the petitioner and charges have also been framed for offences under sections 420, 424, 467, 468, 471 and 201 read with 120-B of the IPC. That, the petitioner thereafter filed M.Cr.C No. 11898/2018 under Section 482 of Cr.P.C. seeking quashment of proceedings in respect of Sessions Trial No. 699/2016 pending before the Special Judge (SC/ST), Indore. Vide



order dated 18.06.2018, the Single Bench of this High Court at Indore Bench, dismissed the said petition. Thereafter, the petitioner filed W.P. No.10301/2019 before principal seat at Jabalpur challenging the orders dated 29.01.2018, 20.04.2018 and 18.06.2018 passed by the learned Single Judge of the Indore Bench in M.Cr.C. Nos. 25614/2017 and 11898/2018, respectively. The petitioner has also assailed the First Information Report No.09/2016 accepted by Shri Raghuvver Prasad Patel, ACJM, Indore and the order of granting bail by imposing condition of depositing Rs.25 Lakhs and vide order dated 26.06.2019, the Division Bench of this High Court dismissed the petition holding that petition filed under Articles 226 and 227 of the Constitution of India challenging the orders passed by the learned Single Judge dismissing the Miscellaneous Criminal Cases under Section 482 of Cr.P.C. and imposing a condition of depositing of amount while granting bail are highly misconceived and not maintainable. The order passed by the High Court in a petition under Section 482 of Cr.P.C. and bail jurisdiction cannot be challenged in a writ petition under Articles 226 or 227 of the Constitution of India. Challenging the various orders passed in M.Cr.C No. 11898/18 and M.Cr.C. No. 26899/2017 (filed by another person, namely, Ravish pertaining to same crime number), the petitioner approached the Hon'ble Supreme Court by way of filing Special Leave Petition (Criminal) Diary No. 40521/2018 and vide order dated 28.01.2019, the Hon'ble Supreme Court dismissed the petition directing the trial Court to expedite the process. However, on account of letter dated 09.03.2022 received from the office of Special Judge, (SC/ST), Indore (MP) seeking extension of time to conclude the proceedings in S.T. No. 699/2016, the Hon'ble Supreme Court in



Miscellaneous Application No.1045/2021 in SLP (Crl) No. 1299/2019, vide order dated 14.03.2022, granted further six months' time to conclude the proceedings as prayed by the concerned trial Court. The Hon'ble Supreme Court observed in the order that the petitioner is still absconding and arrest warrants have been issued against him and directed the petitioner/accused to surrender and appear before the trial Court within seven days from the date of passing of order with an application for bail, if so advised. In case any application for bail is so preferred, the concerned Court may do well to dispose of the application as early as possible. The Hon'ble Supreme Court further directed the trial Court to give copies of the documents in terms of Section 207 of the Code as prayed for by the petitioner/accused.

3. On perusal of petition as well as annexures, it appears that after passing of order dated 14.03.2022 by the Hon'ble Supreme Court, the learned trial Court passed the orders dated 15.06.2022 and 02.02.2023 whereby the learned trial Court has decided the prayer of petitioner regarding supply of documents in terms of Sections 207 of Cr.P.C. holding that all the documents have already been supplied to the petitioner and he has failed to point out as to which document is left to be provided to him. The learned trial Court mentioned that the petitioner is habitual of filing frivolous applications whereas the issue has already been dealt with by the trial Court on many occasions. The learned trial Court further reiterated the observations made by Hon'ble Supreme Court while passing the order dated 17.11.2022 in Miscellaneous Application No.1755/2022 in SLP(Crl) No.1209/2019 while granting one year's extension for deciding the trial as prayed for by the learned Presiding Judge, directing that in case the accused



persons are causing continuous impediment in progress of the trial, the learned Presiding Judge must send a separate report to this Court so that, if need be, appropriate action for cancellation of bail can be taken against them.

4. Further, the petitioner, again filed an application bearing Miscellaneous Application No. 406/2023 before the Hon'ble Supreme Court and vide order dated 17.04.2023, the application was dismissed being completely misconceived and misdirected. However, the Hon'ble Supreme Court directed that if the applicant/petitioner has filed any case before the High Court which is pending adjudication, then the High Court is requested to decide the same as per its own merit without being influenced by the orders passed by the Hon'ble Supreme Court from time to time in the Miscellaneous Applications moved by the petitioner.

5. Challenging the charges framed under Section 228 of CrPC against the petitioner on 17.02.2017 in ST No.699/2016, by the Special Judge as well as seeking direction against the judicial officer for conducting malicious prosecution against the petitioner and further seeking direction for cancellation of licence to practice by the respondent No.4 who is an Advocate, the petitioner preferred W.P.No.4171/2023 which was dismissed on 20.09.2023 by the Indore Bench of this Court. In the same petition by way of interim relief the petitioner sought relief for summoning of certain documents under Section 207 of CrPC wherein the respondents took the objection regarding nature of relief being not interim in nature, the learned Single Judge discarded the said technical objection treating the interim relief as one of the main relief.



6. Further it is also seen from the digital record that the petitioner filed an application for malicious prosecution before the trial Court which was dismissed and challenging the said order, the petitioner preferred CRR No.775/2023 which is still pending adjudication before the Indore Bench. In the said petition, while dealing with an interlocutory application bearing I.A.No.7255/2024 vide order dated 25.09.2024, the learned Single Judge of Indore Bench has imposed a cost of Rs.50,000/- upon the petitioner looking to his conduct.

7. For better understanding we sum up the details of the filing the petitions by the petitioner in a tabular form as under :

Sr.No.	Case No.	Court	Remarks
1	SLP No. 9523/2016	Hon'ble Supreme Court	Dismissed as withdrawn on 16.12.2016
2	SLP No. M.A. 9523/2016 [cr] 1209/19	Hon'ble Supreme Court	Decided on 17.11.2022
3	SLP No. M.A. 1045/2021 [cr] 1209/19	Hon'ble Supreme Court	Decided on 14.03.2022
4	SLP No. M.A. 1755/2022 [cr] 406/2022	Hon'ble Supreme Court	Decided on 17.04.2023
5	SLP No. 8865/2017	Hon'ble Supreme Court	Decided on 22.11.2017
6	SLP No. 40521/2018	Hon'ble Supreme Court Decided on 28.01.2019	Against order dated 18.06.2018 passed in MCrC No.11898/2018 by Indore Bench of this Court.



7	SLP (cri) No. 1209/2019 Miscellaneous application no. (dy. No. 18696/2020)	Hon'ble Supreme Court	Decided on 14.03.2022
8	M.Cr.C. no. 11898/2018 u/s 482 Crpc	Indore Bench of this Court	Dismissed vide Order dated 18.06.2018
9	M.Cr.C. no. 6851/2017 u/s 482 CrPC	Indore Bench of this Court	Dismissed vide order dated 05.09.2017
10	M.Cr.C. no. 10024/2022 u/s 482 CrPC	Indore Bench of this Court	Dismissed as withdrawn vide order dated 06.04.2022
11	M.Cr.C. no. 49075/2022 u/s 482 CrPC	Indore Bench of this Court	Disposed of vide order dated 18.01.2023
12	M.Cr.C. no. 7309/2023 u/s 482 CrPC	Indore Bench of this Court	Dismissed vide order dated 24.04.2023
13	W.P. 10301/2019	Indore Bench of this Court	Dismissed vide order dated 26.06.2019
14	W.P. No. 4171/2023	Indore Bench of this Court	Disposed of on 19.09.2023
15	W.P. No. 4295/2018	High Court at Mumbai	Pending since 28.11.2023
16	CRR 431/2017	Indore Bench of this Court	Disposed of vide order dated 14.09.2017
17	CRR 775/2023	Indore Bench of this Court	Pending adjudication
18	W.P.No.19914/2023	Principal Seat at Jabalpur	Present petition which is Pending



8. Challenging the orders dated 15.06.2022 and 02.02.2023 including the various orders which are now irrelevant as subsequent order having similar issues have been passed, by the learned trial Court and arraying the judicial officers as respondents in individual capacity, the instant petition has been filed by the petitioner seeking following reliefs :-

(a) *Issue Writ in the matter of mandamus directing Respondents No. 1, 2, 3 and 4 to consider the presentation of the Petitioner produced at Annexure – C, D, F, G and J and submits documents in terms of Section 207 of Cr.P.C which directly concerns and relates to Petitioner which was been supplied by the Respondents as mentioned in Order Sheets Dated 16/12/2020, 13/01/2021, 11/02/2022 and 15/06/2022.*

(b) *Issue a writ in the nature of certiorari to quash the Impugned Orders Dated 16/12/2020, 13/01/2021, 11/02/2022, 15/06/2022 and 02.02.2023 passed by the Respondents No. 1, 2 and 3 Vide Annexure C, D, F, G and J.*

(c) *Issue a Writ in the nature of certiorari to quash the appointments of all the Respondents and issue direction for CBI inquiry against the Respondents for willfully disobeying the due process of law in the matter of issuing of documents in terms of Section 207 of Cr.P.C to Petitioner and passing wrong judgments to favour State Corrupt Public Servant after taking Office of Oath for performing Higher Judicial Duties honestly and sincerely without any fear and Appropriate action be taken for dismissal from service of Respondent No. 1, 2, 3 and 4 for conducting malicious prosecution against the Petitioner without furnishing documents in terms of Section 207 of Cr.P.C.*

d) *Issue direction for Initiating Criminal Proceedings against all the Respondents Under Section 166, 166A, 191,*



192, 193, 195, 196, 199, 200, 202, 203, 204, 209, 211, 212, 217, 219 and 120B of IPC.

9. The petitioner appeared in person before this Court wearing large number of medals with less etiquette and argued less prominently but more arrogantly and contemptuously. He started his arguments by making bald allegations against the judicial officers of trial Court as well as Judges of the High Court. He submitted that the trial Court as well as the High Court are constantly rejecting his applications for providing documents under Sections 91 and 207 of Cr.P.C which are mandatory in nature in favour of the accused. According to the petitioner, the respondents have flagrantly violated the norms and procedures fixed by Law and are conducting malicious prosecution against him without supplying single document in terms of Section 207 of Cr.P.C in accordance with the procedural law which amounts to violation of right of the accused to a fair trial enshrined Under Article 21 of the Constitution of India. He is further asking for cancellation of appointment of respondents who are judicial officers. The petitioner has also submitted that he is running from pillar to post to get justice being innocent but the respondents are not hearing his voice.

10. *Per contra*, learned counsel for the respondent/State on behalf of respondent No.8 opposed the petition submitting that all the documents have already been supplied to the petitioner and the instant petition is nothing but a delaying tactic of the petitioner. He prays for dismissal of the petition.

11. Heard.

12. The main grievance of the petitioner is that he has not been supplied the copy of documents in terms of section 207 of Cr.P.C. even



after filing various applications in this regard. The petitioner has long series of litigation to his credit for the same issue even before the Hon'ble Supreme Court. When this Court minutely perused the orders passed by trial Court as well the High Court from time to time, we found that all the documents have already been supplied to the petitioner but not accepting it. More particularly, if we go through the proceedings of W.P. No.4171/2023 (Indore Bench), we found that on 14.07.2023, the Single Judge dealt with the issue by observing as under:-

“5. By interim relief the petitioner has sought relief for summoning of certain documents under Section 207 of Cr.P.C. Counsel for the State raises objection that the interim relief cannot be different and beyond the main relief. Considering the fact that the petitioner is not an Advocate and is representing his own case, this Court do not accept the said technical objection of the counsel for the respondent. This Court treats the interim relief as one of the main relief. The petitioner is demanding following four documents from the respondents:-

- a) Copy of the FIR.*
- b) Statement of witnesses under Section 161 of Cr.P.C.*
- c) Statement of witnesses under Section 164 of Cr.P.C.*
- d) The relevant documents relating to establish the charges.*

6. The present petition is entertained only for the relief of summoning the documents and not for the other reliefs claimed by the petitioner.

7. Counsel for the State submits that the aforesaid documents have already been supplied to the petitioner and he refers various Court orders to prove the said facts. However, he submits that the respondents will supply



another set of those documents to the petitioner before this Court on the next date.

8. On the next date, counsel for the State will make available the aforesaid documents as mentioned above.

9. At the request of counsel for the parties, list the matter on 20/7/2023.

13. Further, on perusal of order sheet dated 20.07.2023, it is found that the order dated 14.07.2023 was complied with by the respondent/State. The order passed by the learned Single Judge is reproduced hereinunder :-

“Counsel for the State submits that in compliance to the order dated 14/7/2023, the documents as desired by the petitioner have been supplied before the Court itself and he will file copy of the acknowledgment before this Court.

The petitioner prays for and is granted time to examine the same.

List on 1/8/2023.”

14. Further, the order sheet dated 01/08/2023 reveal that the petitioner has filed an application under Section 340 of Cr.P.C. alleging that the Public Prosecutor who appeared in the case before the High Court and OIC of the case have supplied false and fabricated documents to him. Thereafter, the case was finally dismissed on 19.09.2023 and on perusal of order sheet thereof, we found that the learned Single Judge has rejected the application filed by the petitioner under Section 340 of Cr.P.C observing that the documents as directed by this Court have been supplied to the petitioner and they are part of the charge-sheet. On the basis of the said documents, charge has also been framed by the trial Court; in the meantime, the petitioner has filed



Revision before this Court which has also been dismissed. More surprisingly, one side petitioner says before this Court that he has not been supplied the documents and on the other side, he is challenging the FIR saying that the same does not contain his name as well as by way of filing Revision petition, he is calling in question the charges framed against him. The learned Single Judge specifically mentioned that in compliance of Court Order, all the documents as desired by the petitioner, have been supplied to him.

15. The Supreme Court in the case of *Ganpat @ Ganatpat Vs State of Uttar Pradesh [Writ Petition(s)(Criminal) No.(s)75/2024 decided on 16.02.2024]* has recently reiterated the principle that a judicial decision cannot be challenged as infringing fundamental rights. The Court noted that it has been laid down in *Naresh Shridhar Mirajkar Vs. State of Maharashtra (AIR 1967 SC 1)* that "a judicial decision rendered by a Judge of competent jurisdiction in or in relation to a matter brought before him does not infringe a Fundamental Right."

16. This Court cannot also lose sight regarding maintainability of this petition being barred by principle of res judicata. As above discussed, the issue raised in the instant petition has already been agitated and decided in earlier round of litigation particularly in W.P.No.4171/2023. The said writ petition was decided by the Indore Bench after passing of order in Misc. Application No.406/2023 by the Hon'ble Supreme Court vide order dated 17.04.2023.

17. In the case of *P. Bandopadhyaya & ors. vs. Union of India & ors. (2019) 13 SCC 42*, the Hon'ble Supreme Court has reiterated that the principle of res judicata shall apply in a writ petition filed under Article 226 of the Constitution of India. Relevant para is quoted hereunder :



“8.7 The decision in S.V. Vasaikar & Ors. v. Union of India & Ors. [2003 (2) Mh. L.J. 691 : 2003 (4) Bom CR 79] was not challenged before the Supreme Court, and challenged before the Supreme Court, and has since attained finality. Therefore, the relief sought by the finality. Therefore, the relief sought by the Appellants before the High Court was barred by the principle of res judicata. Reference can be made to the decision of the Constitution Bench in Direct Recruit Class II Engineering Officers’ Association v. State of Maharashtra & Ors. wherein Sharma, J., on behalf of the five judge bench held:

“35...It is well established that the principles of res judicata are applicable to writ petitions. The relief prayed for on behalf of the petitioner in the present case is the same as he would have, in the event of his success, obtained in the earlier writ petition before the High Court. The petitioner in reply contended that since the special leave petition before this Court was dismissed in limine without giving any reason, the order cannot be relied upon for a plea of res judicata. The answer is that it is not the order of this Court dismissing the special leave petition which is being relied upon; the plea of res judicata has been pressed on the basis of the High Court’s judgment which became final after the dismissal of the special leave petition. In similar situation a Constitution Bench of this Court in Daryao v. State of UP3 held that where the High Court dismisses a writ petition under Article 226 of the Constitution after hearing the matter on the merits, a subsequent petition in the Supreme Court under Article 32 on the same facts and for the same reliefs filed by the same parties will be barred by the general principle of res judicata. The binding character of judgments of courts of competent jurisdiction is in essence a part of the rule



of law on which the administration of justice, so much emphasised by the Constitution, is founded and a judgment of the High Court under Article 226 passed after a hearing on the merits must bind the parties till set aside in appeal as provided by the Constitution and cannot be permitted to be circumvented by a petition under Article 32...”

(emphasis supplied)

Albeit the decision of the Constitution Bench was in the context of a Writ Petition filed under Article 32, it would apply with greater force to bar a Writ Petition filed under Article 226, like the one filed by the present Appellants, by the operation of the principle of res judicata.”

18. Therefore, we do not have any hesitation to say that the petitioner has already been supplied the documents which are the part of charge-sheet and the instant petition is frivolous, vexatious and not maintainable being barred by principle of res judicata.

19. We would further say that though the petitioner contends that he is running around to get justice, but the conduct of petitioner shows that he indeed does not want to see that the justice is already done. In fact, the petitioner has been beating a dead horse.

20. The Supreme Court in ***Dalip Singh Vs. State of Uttar Pradesh and Others, reported in (2010) 2 SCC 114*** has observed as produced below:

“1. For many centuries, Indian society cherished two basic values of life i.e., ‘Satya’ (truth) and ‘Ahimsa’ (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of justice delivery system which was in vogue in pre independence era and the people used to feel proud to tell truth in the courts



irrespective of the consequences. However, post independence period has seen drastic changes in our value system. The materialism has over-shadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”

21. In view of the above, the present petition is no doubt an abuse of process of law and harmful for the judicial system. Resultantly, we are not inclined to entertain the instant petition being a frivolous litigation. The Indian judicial system is grossly afflicted, with frivolous litigations and to maintain the dignity and decorum of the Court, imposition of cost is one of the way to deter litigants from their compulsive obsession towards ill-considered, irresponsible and senseless claim and thus, the petition is hereby ***dismissed*** with cost of ***Rs. 1,00,000/- (One Lakh Rupees)*** to be deposited by the petitioner in the account of ***Armed Forces Battle Casualties Welfare Fund (AFBCWF)*** [Account No.90552010165915, Canara Bank Ltd. DoD, South Block, New Delhi, IFSC Code : CNRB0019055] within a period of four weeks from today and compliance be reported to this Court



immediately thereupon. In case of failure to comply with the direction to deposit the cost, the Registry of this Court is directed to list this case in the shape of PUD before the concerned Bench so as to enable this Court to initiate appropriate proceedings for recovery of the cost imposed by this Court from the petitioner.

22. Further, looking to the prolonged trial, in the spirit of order dated 17.11.2022 passed by Hon'ble Supreme Court in Miscellaneous Application No.1755/2022 in SLP(Crl) No.1209/2019, we deem it appropriate to direct the trial Court to proceed in the trial on day to day basis and in case the accused persons are causing continuous impediment in progress of the trial, the learned Presiding Judge may take appropriate action for cancellation of bail, if necessary after recording due reasons.

23. Accordingly, the petition is *dismissed* as not maintainable being barred by the principle of *res judicata*.

(SUSHRUT ARVIND DHARMADHIKARI)
JUDGE

(ANURADHA SHUKLA)
JUDGE

anand