

2025:PHHC:088569



**130 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-33954-2025  
DECIDED ON:04.07.2025**

**IRFAN RASHID KHAN .....PETITIONER  
VERSUS**

**STATE OF PUNJAB AND ANOTHER .....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Ms. Simi Kandra Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J**

1. The jurisdiction of this Court under Section 528 of BNSS, 2023 seeking quashing/modifying the impugned order dated 20.03.2025 (Annexure P-3) passed by learned Chief Judicial Magistrate, Ludhiana vide which the application of the petitioner for releasing his passport was partly allowed, subject to onerous condition to deposit a Bank Guarantee of Rs.20,00,000/- with further modification in the order dated 26.04.2022 (Annexure P-1) whereby, the petitioner was asked to surrender his passport.

2. Upon a careful examination of the present petition, it is evident that the petitioner had earlier filed a petition on the same cause of action, which was dismissed as withdrawn by this Court vide order dated 20.05.2025 in CRM-M-25193-2025. Subsequently, the petitioner has filed the instant petition after a period of one month, without any change in circumstances. This conduct clearly indicates an attempt to mislead the Court by re-agitating a matter already withdrawn, thereby filing a frivolous petition.

3. The above factual matrix reveals that the petitioner does not possess clean antecedents. Such conduct cannot be overlooked by this Court

while exercising its discretionary and equitable jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or under Article 226 of the Constitution of India.

4. It is further evident that the petitioner has approached this Court by suppressing material facts and misrepresenting the true state of affairs, evidently in an attempt to mislead the Court and obtain an undue advantage. This conduct amounts to a gross abuse of the legal process and undermines the sanctity of judicial proceedings.

5. The Hon'ble Supreme Court in "***K.D. Sharma v. Steel Authority of India Ltd.***", (2008) 12 SCC 481, has categorically held that a litigant approaching the Court must come with clean hands. Suppression of material facts or submitting misleading pleadings justifies dismissal of the petition. Likewise, in "***Dalip Singh v. State of U.P.***", (2010) 2 SCC 114, the Apex Court emphasized that courts must adopt a stringent approach towards dishonest litigants and impose realistic costs to deter frivolous litigation.

6. In light of the above discussion, this Court finds that the present petition is devoid of merit, filed with mala-fide intent, and constitutes an abuse of the judicial process. Therefore, the petition stands dismissed.

7. Ordered accordingly.

04.07.2025  
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(SANDEEP MOUDGIL)  
JUDGE

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No