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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Decided on: 13<sup>th</sup> September, 2018**

+ CRL.M.C. 95/2016 and CrI. M.A. 407/2016

**PRABHATAM INVESTMENTS PVT LTD ..... Petitioner**

Through: Ms. Hemlata Kharayat and MR.  
Shailesh Pandey, Advocates

versus

**STATE & ORS**

**..... Respondents**

Through: Ms. Meenakshi Dahiya, APP for  
the State

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER (ORAL)**

1. Alongwith the complaint of the petitioner alleging offences punishable under Sections 420, 465, 467, 468, 471, 120-B, 34, 109 of the Indian Penal Code, 1860 (IPC) presented by the complainant, prayer was made for direction to the police for investigation under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr. PC). The Metropolitan Magistrate, by order dated 26.04.2014, declined the said request, setting out his reasons, referring in this context to the ruling of this court in *Subhkaran Luharuka and Anr. Vs. State (Govt. of NCT of Delhi) and Anr., 2010 (3) JCC 1972*. He, however, opted to take cognizance and commenced an inquiry under Section 200 Cr. PC.

2. The petitioner challenged the said order in the court of Sessions invoking its revisional jurisdiction by Criminal Revision (no.28/15) which was dismissed by order dated 13.10.2015, affirming the view taken by the Metropolitan Magistrate.

3. The petition at hand was filed invoking the inherent power of this court under Section 482 Cr. PC to assail the consistent view taken by the two courts below.

4. Against the above backdrop, question arose as to whether the petitioner having availed of the remedy of revision should be allowed to have recourse to the petition at hand as a substitute for virtually a second revisional challenge or scrutiny which is clearly barred under Section 397 (3) Cr.P.C.

5. This Court in an almost similar fact-situation, taking note of the decisions of the Supreme Court reported as *Krishnan Vs. Krishnaveni*, (1997) 4 SCC 241; *Rajinder Prasad Vs. Bashir*, (2001) 8 SCC 522 and *Kailash Verma vs. Punjab State Civil Supplies Corporation & Anr.*, (2005) 2 SCC 571 and following similar view taken by a learned single Judge of this Court in *Surender Kumar Jain vs. State & Anr.*, ILR (2012) 3 Del 99 in absence of a special case being made has earlier declined to interfere by the ruling (dated 03.07.2018) in CrI.M.C. 164/2018 *Ajay Maini vs. The State Govt. of NCT of Delhi & Ors.* in exercise of extraordinary jurisdiction under Section 482 Cr.P.C.

6. There are no special circumstances made out in the case at hand for the revisional court's view to be disturbed.

7. The petition and the application filed therewith are dismissed.

**R.K.GAUBA, J.**

**SEPTEMBER 13, 2018**

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