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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 674/2018**

SUNNY KHURANA Petitioner
Through: Ms. Rashi Singhal, Adv.

versus

SHRI DEEPAK & ORS Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **21.08.2018**

On the criminal complaint (CC No. 337/1) of the petitioner styled as application under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) alleging offences punishable under Section 463/465/467/468/471 read with Section 120B/34 of Indian Penal Code, 1860 (IPC) having been committed by the private party respondents, the Metropolitan Magistrate by order dated 31.05.2016 opted to take cognisance calling upon the petitioner to lead pre-summoning evidence, the prayer for direction to the police for investigation under Section 156(3) Cr.P.C. having been declined. The said order was challenged in the court of sessions by criminal revision (CR 56243/2016). The court of sessions by order dated 21.12.2017 dismissed the said revision petition. The petitioner has come up under Section 482 Cr.P.C. The petitioner has challenged the said view taken by the two courts below.

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.

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 Crl.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.

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

The petition and the applications filed therewith are dismissed.

R.K.GAUBA, J

AUGUST 21, 2018

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