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

+ **CRL.M.C. 631/2015**

GEETA DEVI SHUKLA

..... Petitioner

Through: Mr. Ayush Choudhary, Adv. with
Mr. Anshul Aditya Tewari, &
Mr. Devanshu Yadav, Advs.

versus

SHRI DEVKI NANDAN PANDEY & ANR

..... Respondents

Through: Mr. Nitin Lonkar, Advocate with
Ms. Sonali Suryawanshi and Mr. Alok
Mohan, Advs. for R-1.
Mr. Ravi Nayak, APP for the State
with SI Rajender Singh, PS Badarpur.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.08.2018

The petitioner had filed a petition before the Chief Metropolitan Magistrate (CMM) alleging offences punishable under Sections 378/379/463/464/465 of Indian Penal Code, 1860 (IPC) having been committed by the first respondent. She also made a prayer seeking a direction to the second respondent to investigate the matter invoking the jurisdiction of the Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.).

The matter was assigned to the court of Metropolitan Magistrate where it was registered as a criminal complaint case (CC No.601/1).

The Metropolitan Magistrate, by order dated 07.01.2013, found no sufficient ground to issue such directions to the police as were sought, referring in this context to the decisions in *Arvinbhai Ravjibhai Patel vs. Dhirubhai Sambhubhai*, 1998 (1) Crimes 351. Instead of directing the police to investigate, the Metropolitan Magistrate opted to take cognizance by calling upon the petitioner to lead pre-summoning evidence.

The petitioner, feeling aggrieved, approached the court of Sessions by Criminal Revision Petition No.55/2013, which was dismissed by order dated 09.09.2014 endorsing the view taken by the Metropolitan Magistrate, further referring to the decision of this court in *Subhakaran Luharuka vs. State & Anr. Crl.M.C.6122-23/2005*, decided on 09.07.2010.

The present petition invoking inherent power of this court under Section 482 Cr.P.C. brings a challenge to the said two consistent orders of the 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 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.

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 27, 2018

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