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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 554/2016**

PRABHU DAYAL GAMBHIR & ANR Petitioners

Through: Mr. Surinder Singh, Adv.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with ASI Devender Kr., PS
Uttam Nagar.

Ms. Naomi Chandra, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **25.09.2018**

The second respondent is the complainant at whose instance first information report (FIR) no. 166/2012 was registered on 11.04.2012 by police station Uttam Nagar, allegedly involving offences punishable under Sections 498A/406/34 of Indian Penal Code, 1860 (IPC). The allegations levelled in the said FIR were also directed against Chander Kant Gambhir, the husband of the complainant, he being the son of the petitioners herein. The complainant had also alleged that the petitioners, being her parents-in-law, were complicit they having shared such common intention with the husband in committing the offences. The husband Chander Kant Gambhir statedly died in a road accident sometime around May 2012. After the conclusion of investigation into the FIR, a charge-sheet was submitted in the court of Metropolitan Magistrate, the petitioners along with certain others having been summoned as accused. The question of charge came up for consideration on 30.07.2014. While discharging the other relatives of the

husband, finding no evidence against them having been brought out, the charge was framed against the petitioners for offences under Sections 406/34 IPC.

The petitioners challenged the above-mentioned order of the Magistrate in the court of sessions by filing criminal revision petition no. 17/2015 which was dismissed by order dated 20.11.2015. The said order was assailed by the petition at hand invoking the inherent power and jurisdiction of this Court under Section 482 Cr.P.C.

During the pendency of the petition at hand, at the instance of the petitioners, the parties were referred to the process of mediation. The said process, however, did not bear fruit. In the afore-mentioned background facts, the petition at hand has been taken up for hearing.

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

SEPTEMBER 25, 2018

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