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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1127/2018 & Crl.M.A. Nos. 4074-75/2018**

RAJESH AGGARWAL Petitioner
Through: Mr. Swaran Kamal Singh, Advocate.

versus

STATE OF DELHI & ORS Respondents
Through: Mr. Arun K. Sharma, APP for State
with ASI Yashpal Singh, P.S.
Paschim Vihar.

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

ORDER
% **19.07.2018**

The petitioner had filed a criminal complaint (C.C. No. 133019/2016) against the respondents alleging offence punishable under Sections 419/420/467/468/471/506/120B IPC. The petitioner also made an application under Section 156(3) of Code of Criminal Procedure, 1973 (Cr.P.C.) seeking a direction to investigate. The Magistrate by a detailed reasoned order dated 13.01.2017 declined such an order observing, *inter alia*, that the petitioner could muster necessary evidence. She opted to take cognizance and set the case for pre-summoning inquiry under Section 200 Cr.P.C.

The petitioner challenged the said order in the court of sessions by criminal revision no. 53/2017, which was decided by judgment dated 17.11.2017, the revisional court finding there being no error or impropriety in the view taken by the Magistrate.

The petition at hand invokes the extraordinary jurisdiction of this Court under Section 482 Cr.P.C.

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.

Trial court record(s) be returned.

R.K.GAUBA, J.

JULY 19, 2018

srb

CRL.M.C. 1127/2018