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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 9th August, 2018

+ CRL.M.C. 1487/2016 and Crl.M.A.18739/2017

BALJEET SINGH

..... Petitioner

Through: Mr. N.K. Chauhar, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS.

..... Respondents

Through: Mr. Ravi Nayak, APP for the
State with SI Avdesh, PS Vijay
Vihar.

Mr. S.S., Tomar, Adv. for R-2
& R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. On the criminal complaint (RBT-117/1/14) styled as application under Section 156(3) of the Code of the Criminal Procedure, 1973 (Cr.P.C.) presented by the petitioner, the Metropolitan Magistrate by his order dated 22.06.2015 declined his request for investigation into allegations by police, *inter alia*, observing that the petitioner was in possession of the entire evidence, identity of the persons allegedly involved being also known to him. At the same time, he opted to take cognizance and called upon the petitioner to adduce evidence

presumably for preliminary inquiry under Sections 200 and 202 Cr.P.C.

2. The petitioner challenged the said order in the court of Sessions by petition (Criminal Revision No.07/2015) invoking its revisional jurisdiction under Section 397 Cr.P.C. His petition was dismissed by order dated 14.12.2015, the revisional court endorsing the view taken by the Magistrate.

3. The complaint case is pending before the Metropolitan Magistrate for preliminary inquiry. The petitioner has instead of adducing evidence in the said inquiry, approached this court by the petition at hand under Section 482 Cr.P.C. to challenge the order of the revisional court.

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.

AUGUST 09, 2018

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