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

+ CRL.M.C. 4043/2018 and Crl. M.A. 29765/2018

RAM NATH CHAWLA @ RAMAN NATH CHAWLA Petitioner

Through: Mr. Nitesh Mehra and Ms. Hitakshi
Mehra, Advocates

versus

STATE(NCT OF DELHI) & ORS. Respondents

Through: Mr. Akshai Malik, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **10.08.2018**

On the criminal complaint (CC no.24493/2016) of the petitioner, the Metropolitan Magistrate had called for action taken report from the SHO of police station Patel Nagar vis-a-vis the complaint that had been earlier lodged with the police to consider the request for direction for investigation under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr. PC). Upon considering the report, the Metropolitan Magistrate by order dated 29.06.2017 declined to issue directions, *inter alia*, observing that the facts and circumstances as also the identity of the perpetrators of the alleged crimes involving offences punishable under Sections 403, 406, 415, 420, 506, 34 IPC were known to the complainant and he had in his possession all the necessary material / evidence to substantiate the

same. The Metropolitan Magistrate instead opted to take cognizance and called upon the petitioner (complainant) to adduce evidence in pre-summoning inquiry presumably under Section 200 Cr.PC.

The petitioner challenged the said order before the court of sessions by criminal revision petition no.270/2017. The petition was dismissed by the said court on 06.07.2018.

The petitioner has come up to this court invoking the inherent power under Section 482 Cr. PC to challenge the orders of the court 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 application filed therewith are dismissed.

R.K.GAUBA, J

AUGUST 10, 2018

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