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

+ CRL.M.C. 1813/2015

HARPAL SINGH

..... Petitioner

Through: Mr. Suyesha Saini, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through: Mr. Akshai Malik, APP for State.

Mr. Amit Punj, Adv. for R-2.

Mr. Ravi Gupta and Mr. Yogesh
Swaroop, Advs. for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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23.07.2018

1. The petitioner had filed a complaint (CC No. 26/1/13) in the Court of Metropolitan Magistrate alleging offences punishable under Sections 3(1) (x) (xiv) and (xv) of Schedule Castes and Schedule Tribes Prevention of Atrocities Act, 1989 seeking a direction to the police to investigate invoking his jurisdiction under Section 156 (3) of the Code of Criminal Procedure, 1973 (Cr.P.C.).
2. By order dated 02.04.2014, the Magistrate declined such a direction to the police observing, *inter alia*, that the police investigation was not required. Having regard to the facts alleged, the Magistrate instead took cognizance and called upon the complainant (petitioner) to lead evidence by holding pre-summoning inquiry presumably under Section 200 Cr. P.C. and fixed the matter for such purpose.
3. The petitioner challenged the said order before the court of Sessions invoking its revisional jurisdiction by petition (no. 32/2014). The additional

Session's Judge found no merit in the petition and upheld the view taken by the Magistrate and consequently, dismissed the revision petition. The view taken by the Revisional Court is sought to be assailed by the petition at hand under Section 482 Cr. P.C.

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 applications filed therewith are dismissed.

R.K.GAUBA, J.

JULY 23, 2018/uj