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

+ CRL.M.C. 2589/2015 and Crl. M.A. 29596-29597/2018

M/S BLUESTAR INFOTECH PVT LTD. Petitioner

Through: Ms. Kavita and Shefali, Advocates

versus

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

Through: Ms. Meenakshi Dahiya, APP for the
State

Mr. Manjit Singh and Mr. Jaspreet Singh,
Advocate for R-2 & 3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **08.08.2018**

The petitioner had filed a criminal complaint (CC 247/2013) alleging offences punishable under Sections 419, 420, 467, 471, 120B, 34 IPC by the private party respondents. Alongwith the said complaint, it had also filed an application seeking a direction to the police to investigate in terms of Section 156(3) of the Code of Criminal Procedure, 1973 (Cr. PC). The Metropolitan Magistrate by order dated 20.03.2014 declined to issue such directions and instead opted to take cognizance calling upon the petitioner (complainant) to lead pre-summoning evidence. The said order was challenged before the court of Sessions by criminal revision petition no.15/14, which was dismissed by order dated 02.06.2014 thereby affirming the view taken by the court of the Metropolitan Magistrate.

The said orders are challenged by the petition at hand invoking Section 482 of the Cr. PC.

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.

Dasti.

R.K.GAUBA, J.

AUGUST 08, 2018

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