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

Decided on: 16th July, 2018

+ CRL.M.C. 3409/2016 and Crl. M.A. 14429/2016,
20226/2016 and 10352/2018

AMIT GOEL & ORS. Petitioners

Through: Petitioners in person

versus

STATE NCT OF DELHI & ANR. Respondent

Through: Ms. Nandita Rao, ASC for the
State with SI Ramakant, PS Sarai Rohilla
Mr. Ankur Jain, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. By the petition at hand, prayer is made for this court to exercise its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (Cr. PC) to quash the orders of the Metropolitan Magistrate dated 31.05.2016 in criminal complaint case no.78/1/15, and of the Additional Sessions court in Criminal Revision No.7/2016, in terms of which the police stands directed to register a first information report for investigation into the offences alleged to have been committed qua the property of the second respondent (complainant), it being the offence of theft from the matrimonial home shared by her with the first petitioner.

2. By the order passed by the Metropolitan Magistrate, the jurisdiction under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr. PC) has been exercised, the complaint made having been found to contain allegations that constitute cognizable offence. The petitioners had challenged the said order before the court of Sessions by invoking its revisional jurisdiction by petition (Crl. Revision no.7/2016) which was dismissed by order dated 08.09.2016.

3. 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.

4. 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.

5. There are no special circumstances made out in the case at hand for the revisional court's view to be disturbed.

6. The petition and the applications filed therewith are dismissed.

R.K.GAUBA, J.

JULY 16, 2018

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