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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3501/2016
SMT USHA RANI OBERAI Petitioner
Through: Mr. Srikant Misra, Advocate

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through: Ms. Meenakshi Dahiya, APP for the
State

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **13.08.2018**

The petitioner had filed an application (CC No.192/1/15) before the court of Metropolitan Magistrate praying for investigation under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr.P.C.). The said prayer was declined by the Metropolitan Magistrate by order dated 18.04.2016. At the same time, the Magistrate opted to take cognizance to call upon the petitioner to adduce evidence for pre-summoning inquiry into the allegations made by her, which statedly constitute offences punishable under Sections 454/380/506/411/120-B of the Indian Penal Code, 1860 (IPC) allegedly having been committed by the private respondent.

The petitioner challenged the said order before the court of Sessions invoking its revisional jurisdiction by filing petition (Cr. No.30/2016). The said petition was also dismissed by order dated 18.07.2016. It is the said orders which are challenged by the petition at hand before this court under Section 482 Cr.P.C.

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 stands dismissed.

R.K.GAUBA, J.

AUGUST 13, 2018
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