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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on : 10th July, 2018

+ CRL.M.C. 2195/2015

MADAN MOHAN SHARMA Petitioner

Through: Mr. Bhuvneshwar and Ms. Savi
Abbot, Advocates

versus

STATE & ORS.

..... Respondents

Through: Mr. Arun K. Sharma, APP for the
State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner had filed a criminal complaint in the court of the Metropolitan Magistrate alleging offences punishable under Section 420, 406, 468, 471, 120B, 34 IPC having been committed by the private party respondents. He also made a prayer for a direction to the police under Section 156(3) Cr. PC for investigation. The Metropolitan Magistrate was, however, not impressed with the said prayer and declined it by order dated 22.09.2014 and instead opted to take cognizance calling upon the complainant to adduce evidence presumably for purpose of an inquiry under Section 200 Cr.PC.

2. Feeling dissatisfied, the petitioner had approached the court of Sessions invoking its revisional jurisdiction by criminal revision petition no.33/2014 which was dismissed by judgment dated 21.03.2015. It is the said order which is under challenge by the

petition at hand filed invoking the jurisdiction of this court under Section 482 Cr. PC.

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 for 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 is dismissed.

R.K.GAUBA, J.

JULY 10, 2018

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