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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4790/2018**

ANAND SINGH

..... Petitioner

Through: Mr. Hari Shanker, Adv.

versus

STATE & ORS

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Vipin Kumar, PS
Kalyan Puri.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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19.09.2018

On the criminal complaint alleging offences of forgery for the purpose of cheating, criminal trespass, criminal conspiracy, the prayer of the petitioner for direction to the police for investigation in exercise of power vested in the Magistrate under Section 156 (3) of the Code of Criminal Procedure, 1973 (Cr.P.C.) was declined, by order dated 03.04.2018, the Magistrate instead deciding to take cognisance and calling upon the petitioner to adduce evidence for preliminary enquiry under Section 200 Cr.P.C. making it clear that in case at subsequent stage of Section 202 Cr.P.C., the assistance of police was required, suitable orders may be passed in that regard.

The petitioner, thereafter, approached the court of sessions in revision (Crl. Rev. 105/2018), which was dismissed by order dated 24.05.2018, affirming the view taken by the Metropolitan Magistrate.

Aggrieved by the said two consistent orders of the courts below, the petitioner has approached 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 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.

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 application filed therewith are dismissed.

R.K.GAUBA, J

SEPTEMBER 19, 2018

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