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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4790/2015

DINESH CHAUDHARY Petitioner
Through: Mr. Atul Ahlawat, Adv.

versus

STATE & ORS Respondents
Through: Mr. Arun K. Sharma, APP for State.
Mr. Joone, proxy counsel for Mr.
Pushkar Sood, Adv.

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

ORDER
23.07.2018

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1. The petitioner had filed a criminal complaint case alleging offences punishable under Sections 420, 463, 464, 468, 470, 471, 120B IPC allegedly committed by the private party respondents. Alongwith the said criminal complaint (CC No. 08/1/2015), he has also made an application seeking a direction to the police for investigation referring to the jurisdiction and power of the Magistrate under Section 156 (3) of the Code of Criminal Procedure, 1973.

2. The Magistrate, by her order dated 25.04.2015, found no justification for directions to the police to be issued observing, *inter alia*, that the matter relating to the jewellery bill which is the subject matter of some of the allegations had already been verified by police – as explained in the course of investigation into the FIR against the petitioner – and that the entire

evidence is within the reach of the complainant.

3. The Magistrate while declining a direction under Section 156 (3) of the Code of Criminal Procedure, 1973, instead opted to take cognizance and called upon the petitioner to lead the evidence for pre-summoning inquiry under Section 200 of the Code of Criminal Procedure, Cr. P.C, 1973, and fixed the matter for such purposes.

4. The petitioner challenged the said order before the court of Sessions invoking its revisional jurisdiction by the criminal revision petition no. 25/15/2015. The revisional court upheld the view taken by the Magistrate in the facts and circumstances of the case and declined to interfere. The petition at hand has been filed against the said order.

5. 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.

6. 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 CRL.M.C. 4790/2015

Section 482 Cr.P.C.

7. There are no special circumstances made out in the case at hand for the revisional court's view to be disturbed.
8. The petition and the applications filed therewith are dismissed.

R.K.GAUBA, J.

JULY 23, 2018/uj