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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 29th August, 2018

+ CRL.M.C. 2209/2018 and Crl. M.A. 7846-7849/2018

HARINDRA KUMAR

..... Petitioner

Through: Mr. Prem Prakash, Advocate

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Mukesh Kumar, APP

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner is facing criminal prosecution in case arising out of FIR no.192/14 of police station Chitranjan Park on the charge for offences under Sections 323, 354, 506 of the Indian Penal Code (IPC). He had moved an application for discharge. The Metropolitan Magistrate considered the said prayer but, by order dated 25.05.2015, found charges made out for offences under Sections 323, 354, 506 IPC.

2. The petitioner challenged the said order in the court of Sessions by Criminal Revision no.204429/2016, his contention primarily being that it is a case of “*honey trap*”. The revisional court found no merit

in his submissions and dismissed the revision petition by order dated 30.08.2017.

3. The petitioner has brought the present petition challenging the said orders of the courts below invoking the inherent power of this court under Section 482 Cr. PC.

4. 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.

5. 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.

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

7. Even otherwise, the contentions of the petitioner at the most give rise to question of facts which cannot be properly addressed in this jurisdiction under Section 482 Cr. PC. [see *Rajiv Thapar and Ors. Vs. Madan Lal Kapoor*, (2013) 3 SCC 330]

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

R.K.GAUBA, J.

AUGUST 29, 2018/yg

