

\$~19 & 20 (*common order*)

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 17th July, 2018

+ CRL.MC. 5021/2015 & CRL.M.A.18115/2015

COL. HARENDRAA PAL SINGH Petitioner
Through: Mr. Anish Dhingra, Advocate with
Mr. Nakul Ahuja, Advocate

versus

STATE OF NCT OF DELHI Respondent
Through: Mr. Ashish Dutta, APP for the State
with SI Varun, PS Hauz Khas.

+ CRL.MC. 916/2016 & CRL.M.A.3817/2016

MADHURI KAPOOR SINGH Petitioner
Through: Mr. Anish Dhingra, Advocate with
Mr. Nakul Ahuja, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Ashish Dutta, APP for the State
with SI Varun, PS Hauz Khas.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. On the complaint of Anjali Kapur Gonsalves, FIR No.57/2012 had been registered by Police Station Hauz Khas, and investigation taken up for offences allegedly committed under Sections 420/406/120-B/34 of Indian Penal Code, 1860 (IPC). On completion of the investigation, report under Section 173 Cr.P.C.

was submitted before the Metropolitan Magistrate against both the petitioners, who were summoned as accused. The Metropolitan Magistrate thereafter considered the question of charges to be framed on the available material. He found, by order dated 14.10.2014, charge made out for putting the petitioner of the first captioned matter on trial for offences punishable under Section 120-B read with Section 409/420/417 IPC and petitioner of the second captioned petition for offence under Section 409/420/417/120-B IPC.

2. The petitioners, feeling aggrieved, approached the court of Sessions invoking its revisional jurisdiction by a joint criminal revision petition No.31/2015. The said petition was found to be devoid of merit and dismissed by the court of Sessions by a very detailed and reasoned order passed on 10.09.2015.

3. The present petitions were filed invoking the inherent jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) with the prayer for the said orders and the criminal case to be quashed.

4. Against the above backdrop, question arose as to whether the petitioners 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 cases at hand for the revisional court's view to be disturbed.

7. Both the petitions and the pending applications stand disposed of in above terms.

R.K.GAUBA, J.

JULY 17, 2018

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