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

+ CRL.M.C. 1439/2016, CRL.M.A. 6150/2016 & 12887/2016

VIVEK SAWHNEY Petitioner

Through : Mr. Sushil Kumar Singh, Adv. for
Mr. Arvind Kumar, Adv.

versus

STATE (NCT GOVT OF DELHI) Respondent

Through : Mr. Raghuvinder Verma, APP for the
State.

Mr. Anurag Kumar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **19.03.2019**

The petitioner had presented before the Chief Metropolitan Magistrate (CMM) a petition on 19.02.2010 styled as an application under Section 200 of the Code of Criminal Procedure, 1973 (Cr.P.C.) making allegations against the parties impleaded as respondent attributing certain acts of commission and omission allegedly constituting offences punishable under Sections 383, 415, 417, 419, 420, 463, 466, 467, 468, 469, 471, 503, 511 and Section 120-B of Indian Penal Code, 1860 (IPC) with a prayer for directions to the police for investigation.

The order passed on the said prayer on 24.05.2010 by the Metropolitan Magistrate (MM) was set aside by this court by order dated 04.02.2013 in Crl.Misc.Case No.3593/2010. The matter arising of the said prayer, however, was remanded to the CMM for fresh consideration and

directions, in the wake of which the matter stood revived. By the order dated 26.08.2014, the application containing prayer under Section 156 (3) Cr.P.C. was dismissed (in default), the petitioner (the complainant) being given liberty to proceed with the complaint by adducing complainant's evidence. The petitioner challenged the said order in the Court of Sessions invoking its revisional jurisdiction by petition (C.R. No.68/2010), his petition having been dismissed by the order dated 10.12.2015.

Challenging the above, the said order of the Metropolitan Magistrate and of the court of Additional Sessions Judge, the present petition was filed invoking the inherent power and jurisdiction of this court under Section 482 Cr.P.C. The matter has remained pending for the last almost three years. At request of counsel for the petitioner, the matter was adjourned earlier also. Proxy counsel present today seeks yet another adjournment. Given the pendency and the caution already administered in the cause list against such request, the prayer for adjournment has been declined.

Having heard, this court finds no good reason to allow the petition or interfere in the view taken by the revisional court. The complaint of the petitioner is still pending on the file of the Magisterial Court. He has the liberty to prosecute the same in terms of the procedure envisaged in Sections 200 – 202 Cr.P.C. for which the opportunity has been kept open by the Metropolitan Magistrate by the above mentioned order.

The petition and the accompanying applications are dismissed.

R.K.GAUBA, J

MARCH 19, 2019/mk
CRL.M.C. 1439/2016