

\$~24

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

+ CRL.M.C. 492/2022, CRL.M.A. 2157/2022

REENA SINGH

..... Petitioner

Through: Mr.Siddhartha Shankar Ray and
Mr.Abhik Kumar, Advocates

versus

M S BHUMI SAGAR INFRASTRUCTURE PVT LTD.

..... Respondent

Through: Mr.Vijender Bhardwaj, Mr.Vimal
Kumar and Mr.Sanjay Kumar,
advocates.

%

Date of Decision: 05.04.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. challenging the summoning order dated 21.10.2019 whereby the petitioner has been summoned for the offence under Section 138 of the Negotiable Instruments Act, 1881.
2. Learned counsel for the petitioner submits that the cheque in this case was issued on 20.09.2019. The petitioner was neither the signatory nor was the Director at the time of issuance of cheque. Learned counsel for the petitioner submits that the petitioner had resigned from the

company on 18.09.2019. In this regard, he has also placed on record Form No.DIR-11.

3. During the course of submissions, learned counsel for the petitioner has submitted that he had also moved an application for discharge which was dismissed by learned M.M. as having no jurisdiction to review or recall its order. Learned counsel for the petitioner submits that against the dismissal of application for discharge, he moved a revision petition bearing no.89/2022, which is pending before the learned Sessions Court and is now fixed for 10.04.2023.
4. Learned counsel for the petitioner submits that the present petition was filed after filing of revision petitioner. Learned counsel submits that there is no bar on filing the petitioner under Section 482 Cr.P.C. and the revisional power under Section 397 Cr.P.C. cannot affect the inherent power of the High Court. Reliance has been placed on ***Vijay and Another vs. State of Maharashtra & Anr.*** (2017) 13 SCC 317 & ***Prabhu Chawla vs. State of Rajasthan and Another*** (2016) 16 SCC cases 30.
5. There is no quarrel with the proposition that the petitioner could have filed petition under Section 482 Cr.P.C but the fact is that first he preferred revision petition and during the pendency of the revision petition, he filed a petitioner under Section 482 Cr.P.C.
6. At this stage, learned counsel for the petitioner submits that he has to verify if the revision petition was filed before filing of the present petition or after this.
7. In any way, whether the revision petition has been filed before filing of this petition or thereafter, it amounts to abuse of the process of law.

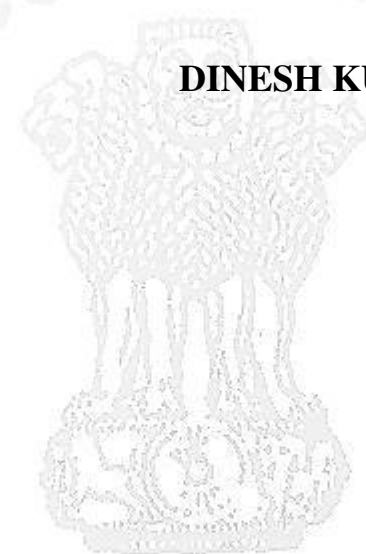
The petitioner has invoked the jurisdiction of the sessions court as well as this court, asking the same relief. This conduct is totally deprecated and amounts to abuse of the process of court.

8. In the circumstances, the present petition along with the pending application is dismissed.
9. The revision court is directed to dispose of the case in accordance with law without being influenced by the order of this court in the present petition.

DINESH KUMAR SHARMA, J

APRIL 05, 2023

rb



न्यायमेव जयते