

(2018) 07 DEL CK 0291

In the Delhi High Court

Case No : CRL.MC. 5021 OF 2015, 916 OF 2016 & CRL.M.A.18115 OF 2015,
3817 OF 2016

Col. Harendraa Pal Singh

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 17-07-2018

Acts Referred:

Indian Penal Code 1860 — Section 34, 120B, 406, 409, 417, 420
Code of Criminal Procedure 1973 — Section 173, 397(3), 482

Citation : (2018) 07 DEL CK 0291

Hon'ble Judges : R.K.GAUBA, J

Bench : Single Bench

Final Decision : Diposed Off

Judgement

R.K.GAUBA, JÂ Â

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.Â 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 120B 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 andÂ Â 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

andÂ 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 CrI.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.Â

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