

(2018) 07 DEL CK 0561

In the Delhi High Court

Case No : Criminal M.C. 4227 OF 2015 and CrI. M.A. 15133 OF 2015

Harshit Gori

APPELLANT

Vs

State Of Nct Of Delhi & Anr

RESPONDENT

Date of Decision : 10-07-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 156(3), 200, 397(3), 482

Citation : (2018) 07 DEL CK 0561

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K.GAUBA, J

1. The petitioner had filed a criminal complaint in the court of the Chief Metropolitan Magistrate on 03.06.2014 alleging that he had been subjected to assault and illegal confinement as a result of which he had suffered injuries, his money also having been forcibly taken away with dishonest intention

by the persons named in the said complaint, no action having been taken on the complaint earlier lodged with the police station Janak Puri on

02.06.2014.Â He made a prayer for a direction to the police for registration of the first information report and investigation.Â The Metropolitan

Magistrate declined the prayer for such direction under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr. PC) and instead, by order dated

28.01.2015, took cognizance and decided to hold an inquiry under Section 200 Cr. PC fixing the case for further process in that regard.Â Â

2. The petitioner feeling aggrieved challenged the said order before the court of the Sessions invoking its revisional jurisdiction by criminal revision

10/2015 which was dismissed by judgment dated 24.08.2015. It is the said order which is under challenge by the petition at hand invoking the jurisdiction of this court under Section 482 Cr. PC.

3. 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 for second revisional challenge or scrutiny which is clearly barred under Section 397 (3) Cr.P.C.

4. 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 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.

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

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