

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

Date of Decision: January 13, 2015

+ CRL.M.C. 2043/2014

NARESH KUMAR ARORA

..... Petitioner

Through: In person

versus

STATE & ANR.

..... Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Vijay Kumar
Mr. Rajiv Mohan & Mr.Arjun
Malik, Advocates for respondent
No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In pursuance to application filed under Section 156(3) of Cr.P.C. and order passed therein on 30th May, 2007, FIR No. 259/2007 under Sections 419/420/468/471 IPC was registered at Police Station Subzi Mandi, Delhi in which charge-sheet has already been filed. Quashing of the complaint as well as FIR is belatedly sought in this petition by petitioner by submitting that prosecution of petitioner is barred under Section 195 of Cr.P.C. and on various grounds taken in this petition.

At the hearing, petitioner who had chosen to argue this petition in

person, has appeared and has placed on record brief written synopsis running into 10 pages to seek quashing of aforesaid proceedings on merits. On behalf of respondent-State it is submitted that petitioner has an alternate and efficacious remedy to urge the pleas before the trial court at the stage of hearing on the point of charge and matter is now coming up before trial court on 17th January, 2015 and so this petition under Section 482 Cr.P.C. ought not to be entertained.

On this aspect, pertinent observations of the Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors. (2011) 12 SCC 437*, are as under: -

"13. It is well settled that the inherent powers under Section 482 can be exercised only when no other remedy is available to the litigant and not in a situation where a specific remedy is provided by the statute. It cannot be used if it is inconsistent with specific provisions provided under the Code (vide Kavita v. State and B.S.Joshi v. State of Haryana). If an effective alternative remedy is available, the High Court will not exercise its powers under this section, specifically when the applicant may not have availed of that remedy."

Applying the dictum of above-cited decision of Apex Court to the facts of this case, this Court finds that since petitioner has an alternate and efficacious remedy available therefore, this petition is disposed of with liberty to petitioner to urge the pleas taken herein before the trial court at the stage of hearing on the point of charge.

Needless to say that this Court has not considered the case of the

parties on merits and it is left open for the trial court to do so.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015
r/vn