

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

Date of Decision: March 09, 2015

+ CRL.M.C. 2763/2013 & Crl.M.A. Nos.10553/2013 & 14353/2013

T D MAKHIJA

..... Petitioner

Through: Ms. Shanthanu Singh, Advocate

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ravi Nayak, Additional Public
Prosecutor for respondent-State
Mr. O.P. Gaggar, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 550/1999 and charge-sheet filed under Sections 420/467/471/474/477/409/201/120-B of the IPC, registered at police station Okhla, New Delhi is sought in this petition on merits.

Mr. Ravi Nayak, learned Additional Public Prosecutor for respondent No.1-State submits that charge-sheet in this case has been filed but charge has not yet been framed and that petitioner has an alternate and efficacious remedy to urge the pleas taken herein before the trial court at the stage of hearing on the point of framing of charge.

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 and application are disposed of with liberty to petitioner to raise 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

MARCH 09, 2015

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