

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

***Date of Decision: March 09, 2015***

+ CRL.M.C. 910/2015 & Crl. M.A.No.3414/2015

RAMPAL

..... Petitioner

Through: Mr. Mohd. Shahjan, Advocate

versus

STATE

..... Respondent

Through: Mr. Naveen Sharma, Additional  
Public Prosecutor for respondent  
No.1-State with SI Sanjay Kumar

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT**  
**(ORAL)**

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Quashing of FIR No.21/2012, under Sections 338/420/471 of the IPC, registered at police station Burari, Delhi is sought on merits in this petition.

Learned Additional Public Prosecutor for State submits that the matter is coming up before trial court for hearing on the point of charge on 15<sup>th</sup> May, 2015 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 charge.

Since petitioner has an alternate and efficacious remedy to seek discharge from trial court by urging the pleas taken herein, therefore, this Court is not inclined to exercise its inherent jurisdiction under Section

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482 of Cr.P.C.

Such a course is being adopted in view of dictum of Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors. (2011) 12 SCC 437*, which is as under: -

*"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, if trial court chooses to frame charges against petitioner, then petitioner shall be at liberty to avail of the remedy as available in law, if so advised.

With aforesaid observations, this petition and the application are disposed of while refraining to comment upon merits, lest it may prejudice petitioner before trial court.

**(SUNIL GAUR)**  
**JUDGE**

**MARCH 09, 2015**

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