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

Date of Decision: August 24, 2015

+ CRL.M.C. 2899/2014 & Crl.M.A. No. 9955/2014

ARCHANA TULI

..... Petitioner

Through: Mr. Hitender Kumar Nahata &
Mr. Vijay Pal Singh, Advocates

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr.Panna Lal Sharma, Additional
Public Prosecutor for respondent-
State with SI Prakash Vir

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Vide impugned order of 21st January, 2014 in CC No.227/1/12, petitioner has been summoned as an accused for the offence under Section 506 (1) r/w Section 34 of the IPC. The aforesaid order was unsuccessfully challenged by petitioner.

Notice of this petition issued to the second respondent has been received back served but none has appeared on behalf of second respondent.

At the hearing, learned counsel for petitioner submits that petitioner was the Vice Principal of the school at the relevant time and

her mobile phone was used to give threats but actually she had not given threats, as there was no occasion for her to give any threats because there was no enmity with the second respondent. Learned counsel for petitioner further submits that the matter is now coming up before the trial court on 10th September, 2015 for pre-charge evidence.

Upon hearing and on perusal of material on record, I do not find any apparent error in the impugned order. However, in view of pertinent observations of Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors. (2011) 12 SCC 437*, petitioner has an alternate and effective remedy to urge the pleas taken herein before the trial court at the stage of hearing on the point of charge and the stand taken herein by petitioner ought to be considered in its right perspective by trial court uninfluenced by the impugned order.

In view of aforesaid, while refraining from exercising its extraordinary inherent jurisdiction under Section 482 of Cr.P.C. to quash the proceedings arising out of complaint in question, this petition and application are disposed of without opining on the merits of the case. It is left open for trial court to consider whether *prima facie* case against petitioner is made out or not and to proceed in accordance with the law.

(SUNIL GAUR)
JUDGE

August 24, 2015

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