

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

Date of Decision: January 13, 2015

+ **CRL.M.C. 3059/2014**

SURINDER & ORS

.....Petitioners

Through: Mr. Samerendra Kumar, Advocate

versus

STATE & ANR

.....Respondents

Through: Ms. Nishi Jain, Additional Public
Prosecutor for respondent-State
with SI Vivek Sharma
Ms. Richa Kapoor, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

%

Quashing of FIR No.16/2014 under Sections 420/471/467/468/506/
120-B/34 of IPC registered at P.S. Gokalpuri, Delhi is sought on merits.

Upon notice, learned counsel for respondent No.2 submits that
petitioners have an alternate and efficacious remedy to urge the pleas
taken herein before the trial court at the charge stage.

Learned Additional Public Prosecutor for State submits that the
investigation of this case is almost complete and the charge-sheet in this
case would be filed within a period of two weeks or so.

Let it be so done.

On this aspect, the Apex Court in *Padal Venkata Rama Reddy
Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors. (2011) 12 SCC 437,*

has pertinently held 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."

Upon hearing and on perusal of the material on record, this Court finds that it is not a fit case for exercise of inherent powers of this Court under Section 482 of Cr.P.C. as 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.

This petition is accordingly disposed of without commenting upon the merits, with liberty to petitioners to urge the pleas taken herein before the trial court at the stage of hearing on the point of framing of charge.

**(SUNIL GAUR)
JUDGE**

JANUARY 13, 2015

S