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

Date of Decision: September 02, 2015

+ **CRL.M.C. 1003/2015 & CrI.M.A.11971/2015**

POONAM @ MEENU Petitioner
Through: Mr. Satish Rana and Mr. M.
Tripathi, Advocates

versus

STATE (NCT OF DELHI) & ANR Respondents
Through: Ms. Manjeet Arya, Additional
Public Prosecutor for respondent-
State with ASI Bhagwati

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Petitioner is seeking quashing of FIR No.448/2013 under Sections 420/468/471/120-B of IPC registered at P.S. Nangloi, Delhi in this petition.

Vide last order respondent-State was called upon to investigate qua the Notary Register seized in this FIR. A status report has been filed wherein it has been stated that the relevant entry of the Notary Register is being filed with the charge-sheet.

Learned Additional Public Prosecutor for respondent-State submits that the charge-sheet would be filed within a period of four weeks.

Let it be so done.

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 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 afore-noted dictum of the Apex Court in *Padal Venkata Rama Reddy (supra)* to facts of the instant case, 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 and if it is so done, then trial court shall deal with the pleas raised herein by passing a speaking and reasoned order.

If the trial court finds that no case is made out against petitioner, then this order will not stand in the way of trial court to discharge petitioner. 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.

This petition and the application are accordingly disposed of while

refraining to comment upon merits, lest it may prejudice petitioner before trial court. It is made clear that this Court has not considered the merits of this case and it is left open for the trial court to do so after considering the pleas raised by petitioner in this petition.

(SUNIL GAUR)
JUDGE

SEPTEMBER 02, 2015
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