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

Date of Decision: March 24, 2015

+ **CRL.M.C. 3565/2014 & CrI.M.A.12273/2014**

VEENA SHARMA Petitioner
Through: Mr. R.D. Sharma, Mr. Rajat
Sharma and Mr. Chetan Sharma,
Advocates

versus

STATE & ORS.Respondent
Through: Mr.Navin Sharma, Additional
Public Prosecutor for respondent-
State with ASI Hem Karan

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.226/2012 under Sections 420/406/467/468/471/34 of IPC registered at P.S. Safdarjung Enclave, Delhi is sought on merits.

Learned counsel for petitioner submits that petitioner has recently retired from service and her retiral benefits have been withheld because of this case and a departmental inquiry has been initiated on the basis of averments in the FIR in question. It is submitted that the status report filed by the respondent-State clearly shows that no case is made out against petitioner.

Learned Additional Public Prosecutor for respondent-State submits that the charge-sheet in this case has been filed and the FSL report would be positively obtained within a period of two weeks. Let the FSL report be obtained on priority and be filed before the trial court.

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 dictum of the Apex Court in *Padal Venkata Rama Reddy (supra)* to the facts of 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 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. It is expected that the FSL report would be promptly filed before the trial court and upon respondent-State doing so, the orders on charge be passed with expedition. Needless to say, the status report filed by respondent-State in this petition would be also taken into consideration by the trial court at the time of hearing petitioner on the point of charge.

This petition and the application are accordingly disposed of while refraining to comment upon merits, lest it may prejudice petitioner before trial court.

Dasti.

(SUNIL GAUR)
JUDGE

MARCH 24, 2015

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