

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

Date of Decision: January 20, 2015

+ CRL.M.C. 4296/2014

RAVI PRAKASH GUPTA Petitioner
Through: Mr. Chander Shekhar, Advocate

versus

STATE THROUGH: NCT OF DELHI & ORS. Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for State with
ASI Begraj

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 131/2012, under Sections 498A/34 of the IPC, registered at police station Nanakpura, Delhi is sought in this petition on merits.

Learned Additional Public Prosecutor for State informs that charge has been already framed and trial of this case is in progress. On behalf of respondent-State it is submitted that petitioner has an alternate and efficacious remedy to challenge order on charge.

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

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 avail of the remedy, as available in the law. Needless to say that this Court has not considered the case of the parties on merits.

(SUNIL GAUR)
JUDGE

JANUARY 20, 2015

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