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

Date of Decision: August 17, 2015

+ CRL.M.C. 1364/2015 & Crl.M.A.No. 4947/2015

ALIMUDDIN DEHLWI Petitioner

Through: Mr. Mukesh Anand &
Mr. Shailesh Tiwary, Advocates

versus

STATE OF DELHI & ORS. Respondents

Through: Ms. Manjeet Arya, Additional
Public Prosecutor for respondent-
State with SI Deshpal
Mr. Abhishek Verma, Advocate
for respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In this petition, quashing of FIR No. 31/2015, under Section 385 of the IPC, registered at police station Jama Masjid, Delhi is sought by petitioner on merits.

Ms. Manjeet Arya, learned Additional Public Prosecutor for respondent-State submits that charge-sheet in this case has been filed for offence under Section 384 of IPC only and respondent-complainant has sought time to file objections and that now the matter is coming up before the trial court on 16th October, 2015 for hearing on the point of framing of charge and that 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.

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 above-noted dictum 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 raise the pleas taken herein before the trial court at the stage of hearing on the point of charge.

Needless to say that this Court has not considered the case of the parties on merits and it is left open for the trial court to do so.

**(SUNIL GAUR)
JUDGE**

August 17, 2015

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