

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

Date of Decision: January 16, 2015

+ CRL.M.C. 4828/2013 & Crl. M.A.No.17388/2013

ANURADHA SHARMA Petitioner
Through: Mr. S.P. Singh & Mr. Y.R.Sharma,
Advocates

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent
No.1-State with SI Narender Singh

**CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT
%(ORAL)**

Quashing of FIR No.176/2012, under Section 498A of the IPC, registered at police station Pandav Nagar, Delhi and impugned summoning order of 8th October, 2013 is sought in this petition on merits.

Learned Additional Public Prosecutor for respondent-State submits that charge sheet in this case has been already filed and matter is now coming up before the learned trial court for hearing on the point of framing of charge. On behalf of respondent-State it is submitted 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 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 is 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**

JANUARY 16, 2015

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