

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

Date of Decision: February 11, 2015

+ **CRL.M.C. 470/2015**

JAI KISHAN & ORS. Petitioners

Through: Mr. Lokesh Kumar, Advocate

versus

STATE & ANR.Respondents

Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Mehrab Alam

+ **CRL.M.C. 4006/2012 & CrI.M.A.19138/2012**

SHOBHA RAM SHARMA & ORS Petitioners

Through: Counsel (*appearance not given*)

versus

STATE & ANRRespondents

Through: Mr. Parveen Bhati, Additional
Public Prosecutor for respondent-
State with SI Mehrab Alam
Mr. Lokesh Kumar, Advocate for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In the above-captioned two petitions, quashing of FIR No.126/09 under Section 323/324/325/308/452/506/34 IPC registered at Police

Station Khajuri Khas, Delhi and FIR No.128/2011 under Section 323/325/325/308/452/506/34 IPC registered at Police Station Sonia Vihar, Delhi is sought on merits. With the consent of both the sides, these two petitioners were heard together and are being disposed of by this common judgment.

Learned Additional Public Prosecutor for respondent-State has submitted that the charge-sheets in these two FIR cases have been filed and petitioners have an alternate and efficacious remedy available to him to raise the pleas taken herein before the trial court at the charge stage.

Upon hearing and on perusal of two FIRs in question, this Court finds that petitioners have an alternate and efficacious remedy available to them. Therefore, it is deemed appropriate to relegate petitioners to trial court to urge the pleas taken herein before the trial court at the stage of hearing on the point of charge. Such a view is taken in view of pertinent observations of Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors. (2011) 12 SCC 437*, which are 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 Apex Court in *Padal Venkata Rama Reddy* (supra) to the instant case, this Court is not inclined to

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exercise its inherent jurisdiction under Section 482 Cr.P.C. to quash the FIRs in question.

Accordingly, the petitions and application are disposed of with aforesaid liberty to petitioners and without commenting upon merits of this case, lest it may prejudice petitioners before trial court.

(SUNIL GAUR)
JUDGE

FEBRUARY 11, 2015

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