

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

Date of Decision: January 28, 2015

+ CRL.M.C. 4786/2014 & CrI. M.A.No.16374/2014

M KALIMUTHU & ANR. Petitioners

Through: Mr. Vijay Kumar Sharma,
Advocate

versus

THE STATE & ANR. Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Rajinder Singh

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

**JUDGMENT
(ORAL)**

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Quashing of FIR No. 144/2013, under Sections 323/341/452/509/34 of the IPC, registered at police station Vasant Vihar, New Delhi is sought in this petition on merits.

Mr. Navin Sharma, learned Additional Public Prosecutor for respondent-State submits that charge sheet in this case has already been filed and now the matter is coming up before the trial court 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 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 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 28, 2015

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