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

Date of Order: May 25, 2015

+ **CRL.M.C. 2244/2015 & Crl. M.A.No.7921/2015**

M/S HUBLI PIPE CORPORATION & ANR. Petitioners

Through: Mr. R.K.Somkiya, advocate

versus

M/S VRINDAVAN TUBES LTD. Respondent

Through: Nemo.

+ **CRL.M.C. 2285/2015 & Crl. M.A.No.8010/2015**

M/S HUBLI PIPE CORPORATION & ANR. Petitioners

Through: Mr. R.K.Somkiya, advocate

versus

M/S VRINDAVAN TUBES LTD. Respondent

Through: Nemo.

+ **CRL.M.C. 2286/2015 & Crl. M.A.No.8012/2015**

M/S HUBLI PIPE CORPORATION & ANR. Petitioners

Through: Mr. R.K.Somkiya, advocate

versus

M/S VRINDAVAN TUBES LTD. Respondent

Through: Nemo.

+ **CRL.M.C. 2287/2015 & Crl. M.A.No.8013/2015**

M/S HUBLI PIPE CORPORATION & ANR. Petitioners

Through: Mr. R.K.Somkiya, advocate

versus

M/S VRINDAVAN TUBES LTD.

..... Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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(ORAL)

In the above captioned four petitions, challenge is to the impugned summoning order in complaints under Section 138 of the *Negotiable Instruments Act, 1881*. These four petitions were heard together and are disposed of by this common order.

At the hearing, learned counsel for petitioners submitted that now the case is coming up before the trial court on 1st June, 2015 for recording of petitioner's evidence.

Since proceedings in the complaints in question are at the fag end before the trial court, therefore, this Court is not inclined to exercise its extra ordinary inherent jurisdiction under Section 482 of the Cr.P.C. to quash the proceedings arising out of complaints in question. It is being so said because petitioners have an alternate and efficacious remedy to urge the pleas taken herein before the trial court at the appropriate stage.

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 these cases, this Court finds that since petitioners have an alternate and efficacious remedy available, therefore, these petitions and applications are disposed of with liberty to petitioners to raise the pleas taken herein before the trial court at the final stage.

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**

MAY 25, 2015

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