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

Date of Decision: September 04, 2015

+ **CRL.M.C. 2422/2015 & CrI.M.As.8394-95/2015**

RATAN SINGH & ORS Petitioners
Through: Mr. Mahabir Singh, Senior
Advocate, with Ms. Preeti Singh
and Mr. Rakesh Dahiya, Advocate
versus

THE STATE (NCT OF DELHI) & ANRRespondents
Through: Mr.Vinod Diwakar, Additional
Public Prosecutor for respondent-
State

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No. 64/2014 under Section 306 of IPC registered at Police Station Hazrat Nizamuddin, New Delhi as well as the summoning order of 3rd March, 2015 is sought on merits in this petition.

During the course of hearing, learned senior counsel for petitioners had informed that the charge-sheet in the matter has been filed.

At the outset, it is made clear that learned senior counsel for petitioners has not been heard on merits as petitioners have an alternate and efficacious remedy to seek discharge from trial court by urging the pleas taken herein. Therefore, this Court is not inclined to exercise its inherent jurisdiction under Section 482 of Cr.P.C.. Such a course is being

adopted in view of dictum of Apex Court in *Padal Venkata Rama Reddy Alias Ramu v. Kovvuri Satyanarayana Reddy & Ors.* (2011) 12 SCC 437, which is 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 the Apex Court in *Padal Venkata Rama Reddy (supra)* to facts of the instant case, this petition is disposed of with liberty to petitioners to urge the pleas taken herein before the trial court at the stage of hearing on the point of charge and if it is so done, then trial court shall deal with the pleas raised herein by passing a speaking and reasoned order. If the trial court finds that no case is made out against petitioners, then this order will not stand in the way of trial court to discharge petitioners. Needless to say, if trial court chooses to frame charges against petitioners, then petitioners shall be at liberty to avail of the remedy as available in law, if so advised.

This petition and the applications are accordingly disposed of while refraining to comment upon merits, lest it may prejudice petitioners

before trial court. It is made clear that this Court has not considered the merits of this case and it is left open for the trial court to do so after considering the pleas raised by petitioners in this petition.

(SUNIL GAUR)
JUDGE

SEPTEMBER 04, 2015

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