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

Date of Decision: August 17, 2015

+ CRL.M.C. 3309/2015 & Crl.M.A.Nos. 11791-92-93/2015

ANITA BHORIA Petitioner

Through: Mr. Balvinder Ralhan, Advocate

versus

STATE & ORS. Respondents

Through: Mr. S.N. Vashishta, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Quashing of FIR No.161/2010 under Section 406/420/120-B/174-A of IPC, registered at Police Station Economic Offences Wing, New Delhi is sought in this petition on merits.

Notice.

Learned counsel for petitioner submits that petitioner is not named in the FIR and there is no direct or indirect material against him to justify filing of charge-sheet against him and even in the statements recorded under Section 161 of the Cr.P.C., petitioner is not named. Reliance is placed upon decisions of the Apex Court in Crl. Appeal No.1694/2008 *R. Kalyani Vs. Janak C. Mehta & ors.*, rendered on 24th October, 2008 and

Ashok Chaturvedi Vs. Shitul H Chanchani & anr. rendered on 13th August, 1998.

Mr. S.N. Vashishta, learned Additional Public Prosecutor for respondent-State submits that charge-sheet in this FIR case for offences under Sections 406/420/120-B/174-A of the IPC, has been filed against the petitioner and the matter is now coming up before the trial court on 31st August, 2015 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 above-noted dictum 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.

With aforesaid observations, this petition and applications are disposed of.

(SUNIL GAUR)
JUDGE

August 17, 2015

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