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

Date of Decision: August 12, 2015

+ **CRL.M.C. 3269/2015 & CrI.M.As.11602-03/2015**

ANAMIKA GUPTA Petitioner
Through: Mr. Ajay Burman, Mr. Harsit
Khurana and Mr. Karan Burman,
Advocates

versus

THE STATE (NCT OF DELHI) Respondent
Through: Mr. A.K. Sharma, Additional
Public Prosecutor for respondent-
State with Inspector Arun Kumar
Choudhary

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of proceedings arising out of FIR No.161/2010 under Section 120-B of IPC read with Sections 406/420/468/174A of IPC registered at P.S. EOW, Delhi and the summoning order of 24th September, 2014 is sought on merits in this petition.

At the hearing, learned counsel for petitioner contends that the name of petitioner neither figures in the charge-sheet nor in the supplementary charge-sheet and that in the second supplementary charge-sheet, he has been named as accused and alleged to have conspired with co-accused in committing the offences in question. It is pointed out that

all that has been said in the second supplementary charge-sheet that the mandatory norms have been flouted by petitioner, who is just a Processing Officer in the Branch and infact, the Sanctioning Authority and the Processing Authority was a regional office and petitioner was not a party to any kind of conspiracy in commission of the offences in question.

At the outset, it is made clear that learned counsel for petitioner has not been heard on merits as petitioner has an alternate and efficacious remedy to seek discharge from trial court by urging the pleas taken herein. So, 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 the facts of instant case, this petition is disposed of with liberty to petitioner 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 order. If the trial court finds that no case is made out against petitioner, then this judgment will not stand in the way of trial court to discharge petitioner. Needless to say, if trial court chooses to frame charges against petitioner, then petitioner 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 petitioner before trial court.

(SUNIL GAUR)
JUDGE

AUGUST 12, 2015

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