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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: April 15, 2015

+ CRL.M.C. 335/2013 & Crl.M.A.No.1107/2013

PAN INDIA MOTORS PVT. LTD. & ANR. Petitioners

Through: Ms. Geeta Luthra, Senior Advocate
with Ms. Arundhati Katju & Mr.
Himanshu Suman, Advocates

versus

STATE & ANR. Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State
Mr. Chetan Sharma, Senior
Advocate with Mr. Rohit Gupta &
Mr. Amit Gupta, Advocates for
Respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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15.04.2015

In a complaint under Section 138 of *Negotiable Instruments Act, 1881*, petitioners have been summoned as accused vide order of 3rd November, 2012. In this petition, quashing of impugned order as well as complaint in question is sought on merits. At the hearing, learned senior counsel for respondent-complainant has submitted that in view of Apex Court's decision in *Dashrath Rupsingh Rathod v. State of Maharashtra* (2014) 9 SCC 129, the

complaint in question is to be now filed before competent court of jurisdiction at Mumbai and so the impugned order can be quashed with liberty to respondent-complainant to re-file the complaint in question before the court having territorial jurisdiction. At this stage, learned senior counsel for petitioner submits that entire complaint ought to be quashed as it is barred by time because it relates to security cheques and therefore, no case for summoning petitioners in complaint in question is made out.

Learned senior counsel for respondent-complainant disputes the stand taken on behalf of petitioners and submits that since Delhi courts have no territorial jurisdiction so, respondent be permitted to re-file the complaint in question as well as application seeking condonation of delay before the competent court of jurisdiction at Mumbai.

Upon hearing and on perusal of complaint in question, the application seeking condonation of delay as well as summoning order, I find that since Delhi courts have no territorial jurisdiction to deal with complaint in question, therefore, it is deemed appropriate to permit respondent-complainant to re-file the complaint in question alongwith application for condition of delay before the court of competent jurisdiction at Mumbai.

In view of aforesaid, this petition is allowed and impugned order is hereby quashed with liberty to respondent-complainant to re-file the complaint in question along with application for condonation of delay before the court of competent territorial jurisdiction at Mumbai within a period of four weeks from today.

The challenge to the complaint in question on merits is left open to be considered by the court of competent territorial jurisdiction.

This petition and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

APRIL 15, 2015

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