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

Date of Decision: May 15, 2015

+ CRL.M.C. 2040/2015 & Crl. M.A.Nos.7271-73/2015

MAKEMYTRIP (INDIA) PVT LTD. Petitioner

Through: Mr. Rishabh Raj Jain &
Mr. Sharique Hussain, Advocates

versus

THE STATE GOVT OF NCT OF DELHI & ANR. .. Respondents

Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

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(ORAL)

Vide impugned order, petitioner's complaint under Section 138 of *The Negotiable Instruments Act, 1881* has been returned on the ground of lack of territorial jurisdiction while relying upon Apex Court's decision in *Dashrath Rupsingh Rathor v. State of Maharashtra* (2014) 9 SCC 129.

Learned counsel for petitioner assails the impugned order and relies upon decisions of High Court of Bombay in Criminal Writ Petition No.2362/2014, *Ramanbhai Mathurbhai Patel Vs. State of Maharashtra & anr.*, rendered on 25th August, 2014 and Apex Court's order of 20th March, 2015 in Special Leave Petition No.7251/2014 in *Ramanbhai Mathurbhai Patel (Supra)* and decision of a Coordinate Bench of this

Court in Crl. M.C.No. 4407/2014 *M/S Goyal MG Gases Pvt. Ltd. Vs. State (NCT of Delhi) & ors.*, rendered on 16th December, 2014 and Apex Court's order of 13th January, 2015 in Special Leave Petition No. 134-170/2015 in *M/S Goyal MG Gases Pvt. Ltd. (Supra)*; decision of a Coordinate Bench of this Court of 5th December, 2014 in Crl M.C.No. 5555/2014 *CISCO System Capital (India) Pvt. Ltd. Vs. Nartech Infonet Pvt. Ltd. & ors.* and Apex Court's decision in *Dashrath Rupsing Rathod Vs. State of Maharashtra & anr.* (2014) 9 SCC 1291 to submit that the cheques in question were 'payable at par' at all the branches of Barclays Bank Limited in India and so, return of complaint in question is bad in law. However, it is submitted that in pursuance to the summons issued, respondent-accused had not appeared before the trial court.

Upon hearing and on perusal of the impugned order, material on record and the decisions cited, I find that the question raised in this petition already stands answered by this Court in Crl. M.C.No.700/2012 *Neerav J Shah & anr. Vs. State & anr.*, decided on 23rd March, 2015.

In view of above, finding no illegality or infirmity in the impugned order, this petition and applications are dismissed.

(SUNIL GAUR)
JUDGE

MAY 15, 2015

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