

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 145 of 2016**

Smt. Sadhna Nivsarkar aged about 41 years, W/o Shri Santosh Nivsarkar, R/o 738, Sindhiya Nagar, SAF Line, Near Kalibadi Temple, Durg, Tahsil and District Durg, (Chhattisgarh)

---- Appellant**Versus**

1. Registrar of Companies, Madhya Pradesh and Chhattisgarh, Gwalior (Madhya Pradesh)
 2. Advise Solution Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santra Badi Durg, 491001 Chhattisgarh, India.
 3. Senior Superintendent of Police, Durg, Tahsil and District Durg, Chhattisgarh.
 4. Smt. Bhagyashri S. Modak.
 5. Shri Shrikant D. Modak.
 6. Shri Santanu S. Modak.
 7. Ku. Dhanshri Modak.
- Respondents No. 4 to 7 Directors M/s. Advice Solutions Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santa Badi, Durg, 491001 Chhattisgarh India.
- Respondents No. 4 to 7 Resident of Shankar Sadan, 219, Vidyut Nagar, Behind Dwivedi Complex, Durg, Tahsil and District Durg, Chhattisgarh.
8. Shri Sachin Sharma S/o Shri Rajnish Sharma, South Tuko Ganj, Behind Hotel Belwas, Indore, Madhya Pradesh.

---- Respondents

For Appellant	: Shri V.G.Tamaskar, Advocate.
For Respective Respondents	: Shri Narendra Kumar Vyas, Assistant Solicitor General, Shri Prafull N Bharat, Additional Advocate General and Shri Prateek Sharma, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****CAV Judgment****Per Navin Sinha, Chief Justice****04/04/2016**

1. The present appeal arise from a common order dated 4.2.2016 disposing Writ Petition (Cr) No. 3730 of 2011 and analogous writ petitions including Writ Petition (Cr.) No. 3733 of 2011 from which the present appeal arises.
2. The Appellant had assailed the institution of separate complaint cases against her under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate First Class, Indore and the consequent summons issued for appearance. The grounds of challenge were common that she was not a Director

in the Company and had nothing to do with the cheques issued and that enquiry ought to be ordered into the affairs of the Company.

3. Writ Petition (Cr.) No. 4744 of 2011 assailed the summons issued in Complaint Case No. 10672 of 2011 giving rise to the order dated 16.3.2016 in Writ Appeal No. 143 of 2016 preferred by the Appellant. In Writ Petition (Cr) No. 3733 of 2011 giving rise to the present appeals the challenge was to the institution of Complaint Case No. 6935 of 2011 and the summons issued.
4. There is no occasion for us to pass any other order than that dated 16.3.2016 in Writ Appeal No. 143 of 2016 followed in Writ Appeal No. 144 of 2016 dated 29.3.2016.
5. As an after thought, Learned Counsel for the Appellant sought to rely upon AIR 2016 SC 1077 (Nandram v. M/s. Garware Polyester Limited) to submit that the territorial jurisdiction would lie in this Court even though he had given up this ground in the earlier writ appeals. Though we do not appreciate this conduct of the Counsel who had appeared in the earlier appeals also, the facts in Nandram (supra) are totally distinguishable and have no application to the present case at all. It related to termination of an employee appointed at Aurangabad transferred to Gujarat. The decision for termination was taken at Aurangabad communicated where the appellant was posted. In these circumstances, it was held that Aurangabad Court would have jurisdiction as also the Court at Pondicherry where it was served. The reliance on the judgment is in an abstract manner without proper consideration of its applicability.
6. It is ordered accordingly.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE