

**249 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**1. C.R.M-M No.15410 of 2015 (O&M)
Date of Decision : 01.09.2016**

M/s J.D. Enterprises

..... Petitioner

Versus

Krishna Devi

..... Respondent

2. C.R.M-M No.15411 of 2015 (O&M)

M/s J.D. Enterprises

..... Petitioner

Versus

Virender @ Jagga

..... Respondent

3. C.R.M-M No.15413 of 2015 (O&M)

M/s J.D. Enterprises

..... Petitioner

Versus

Sonu Saini

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.K.Saini, Advocate for the petitioner.

None for the respondent (s).

AJAY TEWARI, J. (Oral)

This order shall dispose of above referred three petitions.

For the sake of convenience the facts are being taken from CRM-M-15410 of 2015.

As per office report, service is complete in these cases but none has entered appearance on behalf of the respondent(s).

The petitioner has challenged the order whereby the complaint filed by him under Section 138 of Negotiable Instruments Act, 1881 (herein after referred to as “Act”) was returned for being filed in the Court where drawer of the cheque resided.

Learned counsel for the petitioner has argued that in view of the judgment passed in ***Dashrath Rup Singh Rathod Vs. State of Maharashtra and another 2014 (3) RCR (Crl.) 904***, an ordinance was issued as per which the jurisdiction was vested upon the Court within whose territory the payee bank was situated and consequently this Court in ***“M/s Mohindra Engineering Works Vs. Chamkaur Singh”*** passed in CRM-M-41124 of 2014 decided on 29.09.2015 has set aside a similar order returning of the complaint.

None has appeared to oppose the petition. Various judgments have now been passed in the light of the ordinance apart from

the judgment in *M/s Mohindra Engineering Works (supra)*.

In the circumstances, these petitions are allowed and the impugned orders are set aside and the trial Court is directed to proceed with the complaint from the stage where it was after summoning the accused.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

01.09.2016

Pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No