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

+ W.P.(CRL) 1142/2016

SACHIN NARULA

..... Petitioner

Through: Counsel for the petitioner.
(Appearance not given)

versus

STATE & ANR

..... Respondents

Through: Ms.Nandita Rao, A.S.C. for the
State/R-1.
Mr.Jitender Bhardwaj and Mr.P.C.
Joshi, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.05.2016

W.P.(CRL) 1142/2016

1. The present petition has been filed by the petitioner praying for quashing of proceedings pertaining to Complaint Case No.5454/14 (old number) and 47374/2016 (number number) titled as Indian Overseas Co. (P) Ltd. vs. Sachin Narula.

2. Learned counsel for the petitioner submits that initially the respondent/complainant M/s. Indian Overseas filed a complaint case under Section 138 NI Act against the petitioner herein at Shahdara, Karkardooma Courts, Delhi. However, in view of the decision of Supreme Court in *Dashrath Roop Singh Rathod vs. State of Maharashtra & Anr.* in Crl.A. No.2287/2009 since the cheque in question has been drawn on UCO Bank,

Talimabad, Sangam Vihar, New Delhi which does not fall within the jurisdiction of Shahdara District, vide order dated 06.09.2014 the complaint was ordered to be returned to the complainant against receiving after placing on record the certified copy of the complaint and original documents as per law to file before the Court having territorial jurisdiction.

3. Learned counsel for the petitioner further submits that instead of complying with the directions issued vide order 06.09.2014 take back the complaint and filed the same before the Court having territorial jurisdiction over the matter, the complainant/respondents herein filed a fresh complaint case which is to be treated as barred by limitation.

3. Learned counsel for the petitioner submits that this question has already been raised by the petitioner before the learned Trial Court, as recorded in the proceedings dated 22.03.2016 and without awaiting for the outcome, he has filed this writ petition.

4. This fact is not disputed by the complainant/respondent herein and is also clear from the proceedings dated 22.03.2016 recorded by the learned MM in Complaint Case No.47374/2016.

5. In the given circumstances, the instant writ petition is pre-mature and is hereby dismissed.

Crl.M.A.No.6009/2016 (Stay)

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 05, 2016

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