

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.06.2015

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition S.R. No.20014 of 2015

M/s. Galaxy Amaze Kingdom Ltd.,
Represented by its Managing Director
Galaxy House, (Iswarya Garden Campus)
(Old No.9C) #14, Main Street, Venugopal Nagar,
Thirumullaivoyal,
Chennai - 600 062

... Petitioner

-Vs-

- 1.Union of India,
Represented by the Secretary
to Government,
Law Department,
New Delhi.
- 2.The Home Secretary,
Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi - 110 001.
- 3.State by NCT of Delhi,
New Delhi.
- 4.Station House Officer,
Phaharganj Police Station,
New Delhi.

... Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Declaration declaring that once when the Supreme Court directed to transfer the case under NI Act and case is transferred any incidental proceedings arising out of the prosecution

arises under NI Act also deemed to be transferred and continuing the proceedings in FIR 252/14 under 174-A IPC of the 4th respondent to harass the petitioner is not valid and binding and non-est in law.

For Petitioner : Dr.S.N.Amarnath

O R D E R

Heard the submission of the learned counsel for the petitioner.

2. The petitioner Company is arrayed as one of the accused in C.C.Nos.138/2013 and 145/2015 which were filed seeking to prosecute for the offence under section 138 of the Negotiable Instruments Act and the same were pending on the file of the jurisdictional Magistrate Court at New Delhi. The case in FIR.No.252 of 2014 was also registered against the petitioner Company under Section 174-A IPC by Pahar Ganj Police Station, New Delhi.

3. The petitioner moved the High Court of Delhi by filing a Writ Petition (Criminal) No.15 of 2015 to quash the FIR and it was dismissed on 03.02.2015. Now, the petitioner has filed this present writ petition praying for transfer of the above said cases along with the FIR to any one of the Court having jurisdiction in this State.

4. Registry has raised the following objections,

"1. It may be stated how the Writ Petition is maintainable under this Jurisdiction since the respondents are in New Delhi - May be clarified.

2. Cause title and prayer needs revision."
and listed the case for maintainability.

5. A perusal of the materials placed before this Court would disclose that two private complaints filed under Section 138 of the Negotiable Instruments Act were pending on the file of the respective jurisdictional Court at New Delhi. No part of cause of action arose in this State. Moreover, though the petitioner has placed reliance on AIR 2000 Supreme Court 2966 (Navinchandra N.Majithia v. State of Maharashtra) to show that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India can order for transfer, however, a perusal of paragraph No.45 of the said judgment would disclose that only on peculiar facts and circumstances of the case, the Supreme Court has ordered transfer.

5. Admittedly, no part of cause of action arose within the jurisdiction of any of the Courts located in this State. Therefore, the objections raised by the Registry are to be upheld. Therefore, the W.P.SR is rejected as not maintainable.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
Law Department,
New Delhi.
2. The Home Secretary,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 001.
3. NCT of Delhi,
New Delhi.
4. Station House Officer,
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RV(CO)
CA(10.07.2015)

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