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

TR.P.(CRL.) 18/2017 & Crl.M.A. 7467/2017

M/S MIC ELECTRONIC LTD Petitioner
Through Mr.Vikas Gupta, Adv. with Mr.Vipin
Kalra and Mr.Sahil Sharma, Advs.

versus

STATE OF DELHI & ANR Respondents
Through Mr.Tarang Srivastava, APP for State.
None for respondent No.2.

+ TR.P.(CRL.) 19/2017 & Crl.M.A. 7468/2017

M/S MIC ELECTRONICS LTD Petitioner
Through Mr.Vikas Gupta, Adv. with Mr.Vipin
Kalra and Mr.Sahil Sharma, Advs.

versus

STATE OF DELHI & ANR Respondents
Through Mr.Tarang Srivastava, APP for State.
None for respondent No.2.

+ TR.P.(CRL.) 20/2017 & Crl.M.A. 7469/2017

M/S MIC ELECTRONICS LTD Petitioner
Through Mr.Vikas Gupta, Adv. with Mr.Vipin
Kalra and Mr.Sahil Sharma, Advs.

versus

STATE OF DELHI & ANR Respondents

Through Mr.Tarang Srivastava, APP for State.
None for respondent No.2.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER
% 29.08.2017

1. Despite service of the notice, none has appeared on behalf of the respondent No.2. Respondent No.2 was served for 19th July, 2017 but none appeared on behalf of it on the said date. No adverse order was passed against the respondent No.2.
2. Even today none has appeared on behalf of the respondent No.2.
3. The petitioner seeks transfer of three criminal complaints bearing No.326/1, 41/2015 and 327/1 pending before the Court of Sh.Surjit Saurabh, learned MM, Patiala House Court, Delhi, to the Court of Ms.Vasundhara Azad, learned MM, South East, Saket, Delhi.
4. Learned counsel for the petitioner submits that the petitioner company had taken loan of Rs.450 lac from the respondent No.2 company in the year 2010 and certain cheques issued by the petitioner company were dishonoured. Initially, the respondent No.3 had filed three complaints under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner herein which are now pending before the Court of Ms.Vasundhara Azad, learned MM, South East, Saket, Delhi.
5. Learned counsel for the petitioner submits that subsequent to filing of the above three complaints pending before the Court of Ms.Vasundhara Azad, learned MM, South East, Saket, Delhi, the respondent No.2 filed the three complaints in question arising out of the same transaction on the basis

of other cheques issued by the petitioner herein which were dishonoured in the Court of Sh.Surjit Saurabh, learned MM, Patiala House Court, Delhi. Learned counsel for the petitioner relies upon the judgment of the Apex Court in **Damodar S. Prabhu v. Sayed Babalal H., 2010 (2) JCC (NI) 178**. Para 16 of the said judgment reads as under:

“16. We are also in agreement with the learned Attorney General’s suggestions for controlling the filing of multiple complaints that are relatable to the same transaction. It was submitted that complaints are being increasingly filed in multiple jurisdictions in a vexatious manner which causes tremendous harassment and prejudice to the drawers of the cheque. For instance, in the same transaction pertaining to a loan taken on an instalment basis to be repaid in equated monthly instalments, several cheques are taken which are dated for each monthly instalment and upon the dishonour of each of such cheques, different complaints are being filed in different Courts which may also have jurisdiction in relation to the complaint. In light of this submission, we direct that it should be mandatory for the complainant to disclose that no other complaint has been filed in any other Court in respect of the same transaction. Such a disclosure should be made on a sworn affidavit which should accompany the complaint filed under Section 200 of the Cr.P.C. If it is found that such multiple complaints have been filed, orders for transfer of the complaint to the first Court should be given, generally speaking, by the High Court after imposing heavy costs on the complainant for resorting to such a practice. These directions should be given effect prospectively.”

6. In the facts and circumstances of the case, to avoid the conflicting judgment in the matters and for expeditious disposal of the cases, criminal complaints pending in the Court of Sh.Surjit Saurabh, learned MM, Patiala

House Court, Delhi, are withdrawn and are ordered to be transferred to the Court of Ms. Vasundhara Azad, learned MM, South East, Saket, Delhi.

7. The petitions are disposed of.

8. *Dasti.*

VINOD GOEL, J.

AUGUST 29, 2017/jitender