

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-12162-2018

Arvind Sharma

.....Petitioner

Versus

Capital First Limited

.....Respondent

279

CRM-M-12149-2018

Arvind Sharma

.....Petitioner

Versus

Capital First Limited

.....Respondent

Date of Decision:16.07.2018

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Kanwal Goyal, Advocate,
for the petitioner in both the cases.

Mr. Balkarn Singh Aulakh, Advocate,
for the respondent in both the cases.

HARI PAL VERMA, J.(Oral)

This order shall dispose of two petitions i.e. CRM-M-12162-2018 (Arvind Sharma Versus Capital First Limited) and CRM-M-12149-2018 (Arvind Sharma Versus Capital First Limited). Both the petitions have been filed under Section 407 read with Section 482 Cr.P.C. for transfer of complaint No.12058/2017 titled as “**Capital First Limited Versus Appn Traders**” and complaint No/12047/2017 titled as “**Capital First Limited Versus Appn Traders**” filed under Section 138 of the Negotiable Instruments Act (for short “the N.I. Act”).

Memo of appearance filed on behalf of the respondent in both

the cases are taken on record.

Learned counsel for the petitioner states that the respondent-complainant has filed three different complaints against the petitioner under Section 138 of the N.I. Act. As per complaint, the petitioner has issued three different cheques from his account in State Bank of India, Jalandhar Branch. He further states that the complainant has presented all the cheques in HDFC Bank, Mumbai and the same were dishonoured on account of insufficiency of funds. Thereafter, the complainant has filed three different complaints under Section 138 of the N.I. Act, whereas two complaints are stated to have been filed in the court of Judicial Magistrate 1st Class, Chandigarh and one complaint has been filed in Jalandhar court.

Learned counsel states that the parties to the *lis* are common. It has been stated that the petitioner is resident of Jalandhar, whereas the respondent-complainant is operating its office from Jalandhar but the complainant has filed complaint No.6327/2017 titled as **Capital First Limited Versus Appn Traders and others**” at Jalandhar. He has argued that in the interest of justice and having regard to the provisions under Section 407 read with Section 482 Cr.P.C., all the complaints be taken up together for trial at one court i.e. at Jalandhar.

Learned counsel for the respondent has sought instructions from his client. Though he states that since two cheques were presented at Chandigarh and therefore, the complainant has right to pursue his complaints from Chandigarh as well.

I have heard learned counsel for the parties.

There is no dispute that the complainant is having its registered office at Jalandhar as well and it has been brought to the notice of this Court

that arbitration proceedings between the parties are also pending at Jalandhar.

In order to meet the ends of justice and to avoid contradiction of orders between one court and another, this Court finds that both the complaints filed by the complainant before the Court at Chandigarh deserve to be transferred to Jalandhar, where complaint No.6327/2017 titled as **Capital First Limited Versus Appn Traders and others**” between the same parties is pending, as the parties would have more or less common evidence and the trial court can conclude the trial expeditiously.

Accordingly, both the petitions are disposed of with a direction to the trial court to forward the record of the present complaints to the Chief Judicial Magistrate, Jalandhar, who shall either retain the same with him or may entrust to some other court of competent jurisdiction where the other complaint is pending.

July 16, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No