

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

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CRM-M-45783 of 2018 (O&M)

Date of Decision: 04.12.2018.

Sudesh Rani

....Petitioner.

Versus

Vijay Kumar

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rakesh Kumar Garg, Advocate
for the petitioner.

Mr. Lalit Singla, Advocate
for the respondent.

Shekher Dhawan, J.

By way of present petition under Section 407 read with Section 482 Cr.P.C., the petitioner has sought transfer of Complaint Case No.45 of 2016 dated 20.01.2016 under Section 138 of Negotiable Instruments Act, 1881.

Present petition is not maintainable on the ground that the petitioner has approached this Court straightway without approaching learned Magistrate where the complaint is pending. The ground taken by the petitioner is that the Court, where the complaint under Section 138 of Negotiable Instruments Act is pending, is not competent to have cognizance but no application has been filed before the learned Magistrate.

In view of the above, present petition is dismissed with direction to the petitioner to move an appropriate application before the Court of competent jurisdiction where the matter is pending right now and if need be, the petitioner shall be at liberty to approach this Court again.

(SHEKHER DHAWAN)
JUDGE

04.12.2018

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No