

CRM-M-16348 of 2023 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-16348 of 2023 (O&M)
Date of Decision: 08.05.2023.

M/s Gurbir Rice Mills and another

.....Petitioner

Versus

M/s Kissan Rice Mills

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rakesh Kumar, Advocate
for the petitioner/s.

VIKRAM AGGARWAL, J. (ORAL)

CRM No.19446 of 2023

This is an application to place on record a copy of the complaint dated 14.07.20214 (Annexure P-5) and for exemption from filing a certified copy of the same.

For the reasons mentioned in the application, the same is allowed.
Copy of the complaint dated 14.07.2014 is taken on record as Annexure P-5.

Registry is directed to tag the same at the appropriate place.

CRM-M-16348 of 2023

1. Prayer in the present petition filed under section 482 of the Code of Criminal Procedure (for short the Cr.P.C.) is for quashing /setting aside the order dated 17.01.2023 passed in TA/50/2022 dated 03.12.2022, vide which the transfer application filed by the petitioner was dismissed.

2. The facts, in brief, are that a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short the NI Act) was filed by the

respondent-complainant against the present petitioner/s. An application for transfer of this complaint from the Court of Ms. Ankita Mittal, Civil Judge (Junior Division), Nabha, to some other Court/competent jurisdiction was moved on the ground that a civil suit titled as 'Tarlochan Singh Vs. Ranjit Singh' had been decreed by the Court on 01.10.2022. It is the case of the petitioner/s that Tarlochan Singh is the brother of the present respondent-complainant-Jasbir Singh and in the said Civil Suit, a stand had been taken by the petitioner/s that blank cheques and documents given to Jasbir Singh had been misutilized by him. It is the case of the petitioner/s that once the Court has given findings with regard to the said issue, it will not be in a position to give findings in the favour of the petitioner/s in the complaint was filed under the NI Act. It is the case of the petitioner/s that they may not be able to get justice from the said Court on account of this reason.

3. Learned counsel for the petitioner/s submits that the petitioner/s do not have any grievance against the Court except for the genuine apprehension in view of the civil suit having been decreed against the petitioner/s.

4. I have considered the submissions raised by learned counsel for the petitioner/s. A stand was taken by the petitioner/s in the civil suit that certain blank cheques and documents had been misappropriated and created by Jasbir Singh, real brother of plaintiff namely Tarlochan Singh. The same defence is said to have been taken in the present matter.

5. No doubt, the decision in one case would not affect the decision in another case and the Court would never be swayed by any findings given in a particular case. However, at the same time, it has to be borne in mind that the petitioner/s have taken a specific stand in the civil suit with regard to the misappropriation of certain blank cheques and documents and the same stand has

been taken in the complaint filed under Section 138 of N.I. Act. Justice should not only be done but should also be seen to have been done. Lest, there may be any apprehension in the minds of the litigating parties, it is in the interest of justice that disputes between the same or related parties wherein facts are overlapping and similar stands have been taken, should be heard by different Courts.

In view of the above, the present petition is allowed. The complaint in question is ordered to be transferred to some other Court of competent jurisdiction. However, it is made clear that any attempt by the present petitioner/s to delay the proceedings would invite strict and severe action by the Court concerned.

Petitioners may appear before the Sessions Judge, Patiala on 15.05.2023 at 10.00 A.M. The Sessions Judge, Patiala shall assign the case to a Court of competent jurisdiction and fix a date as per the schedule of the transferee Court.

May 08th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*