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

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+ TR.P.(CRL.) 13/2024

ANURADHA SOLANKI

..... Petitioner

Through: None.

versus

SHRI DURGA EMBROIDERY AND ORS.

..... Respondents

Through: None.

87

+ TR.P.(CRL.) 14/2024

ANURADHA SOLANKI

..... Petitioner

Through: None.

versus

SHRI DURGA EMBROIDERY AND ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.02.2024

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1. These petitions have been placed before this Court for directions, pursuant to a communication dated 09.02.2024 received from Sh. Umed Singh, Link-Officer-In-Charge, General Branch (C), District Judge (Commercial Court), Tis Hazari Courts, Delhi along with copies of complaints bearing CC Nos.10256/2018 and 10257/2018 based on an order dated 02.02.2024 passed by Sh. Narottam Kaushal, learned Principal District & Sessions Judge (Central), Delhi.

2. Perusal of the record shows that two complaints under Section 138 of



the Negotiable Instruments Act, 1881 ('NI Act'), being CC Nos. 10256/2018 and 10257/2018 were pending in the Court of Sh. Arjun Kirar, learned MM-04, NI Act, Tis Hazari Courts, Delhi. Since the bank of the Complainant is situated in Vikas Puri, learned MM was of the view that the said Court did not have the territorial jurisdiction to entertain the complaints and hence directed that the matters be placed before the learned CMM for appropriate orders of transfer. On 24.01.2024, complaints were placed before the learned CMM who in turn directed the matters to be placed before the learned Principal District and Sessions Judge (HQ), Tis Hazari Courts, Delhi for appropriate orders on the same day. Cases were adjourned to 25.01.2024 as there was no appearance on behalf of the parties and finally listed on 02.02.2024. After perusing the orders of the learned MM with regard to lack of territorial jurisdiction, order was passed on 02.02.2024 to list the cases before this Court as the power to direct inter-district transfers lies with this Court under Section 407 Cr.P.C.

3. The two complaints aforementioned were filed under Section 138 of NI Act before the MM-04, NI Act, Central District, Tis Hazari Courts. It was later noticed by the Court that bank of the Complainant was situated in Vikas Puri, which was not within the jurisdiction of the said Court, as Vikas Puri falls within the jurisdiction of South West District, Dwarka and this is how the complaints have been placed before this Court for directions to transfer them to the Court of competent jurisdiction. The Supreme Court in ***Dashrath Rupsingh Rathod v. State of Maharashtra and Another, (2014) 9 SCC 129***, held that the Complainant is statutorily bound to comply with Sections 177 etc. of Cr.P.C. and therefore, the place or situs where Section 138 complaint is to be filed is not of his choosing. The territorial jurisdiction



is restricted to the Court within whose local jurisdiction the offence was committed, which is the place where the cheque is dishonoured by the bank, on which it is drawn.

4. In view of the aforesaid, complaint cases bearing CC Nos. 10256/2018 and 10257/2018 titled '*Anuradha Solanki v. Durga Embroidery*' are transferred from the Court of Sh. Arjun Kirar, MM-04, NI Act, Tis Hazari Courts, Delhi to the Court of competent jurisdiction in South West District, Dwarka Courts, Delhi.

5. Matters will be placed before the learned Chief Metropolitan Magistrate, South West District, Dwarka Courts, Delhi on 01.04.2024, with advance intimation to the parties, for appropriate orders and allocation to the appropriate Court.

JYOTI SINGH, J

FEBRUARY 16, 2024/shivam