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

+ **TR.P.(CRL.) 27/2024**

**SHAHI REALTECH PVT LIMITED THROUGH ITS
AUTHORIZED REPRESENTATIVE**

.....Petitioner

Through: Ms.Ridhima Goyal, Dr.Farrukh Khan,
Ms.Tanzeela Farheen and Mr.Saif
Khan, advts.

versus

CELEBRATION CITY PVT LTD & ORS.Respondents

Through: Mr.Ankur Singh and Mr.Abhijeet
Singh, Advts. for R-3.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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Present transfer petition has been filed for transfer of complaint case bearing Ct. Case No.8673/2018 from the court of learned Metropolitan Magistrate, South, Saket Courts to the court of learned Metropolitan Magistrate, South East, Saket. Learned counsel submits that there were four complaints filed arising out of the same transaction, out of which three complaints are pending before learned MM, South East, Saket Courts. However, one of the complaints is pending before Metropolitan Magistrate, South, Saket Courts. Learned counsel submits that for the expeditious disposal, the complaint pending before learned Metropolitan Magistrate, South, Saket Courts may be transferred to the learned MM, South East, Saket Courts.

Notice has been issued to all the respondents. Respondent no.1 is



stated to be in insolvency. Learned counsel submits that all the respondents have duly been served and affidavit of compliance dated 03.04.2024 is placed on record.

Learned counsel for respondent no.3 has taken a preliminary objection that jurisdiction of transferring the matter cannot be exercised in this case as complaint filed by the petitioner is itself *non est* in law. Learned counsel submits that therefore the matter may not be transferred.

The power under Section 407 Cr.P.C. can be exercised for the expediency and interest of justice. Three of the complaints are pending before the learned MM, South East, Saket Courts between the same parties and arising out of same transaction. The objection as to the maintainability of the complaint is left open and can be taken before the transferee court. However, for the purpose of expediency, the complaint case bearing Ct.Case No.8673/2018 pending before Ms.Shraddha Tripathi, Judicial Magistrate, 1st Class-02/N.I.Act (SD), Saket be transferred to the court of learned MM, South East, Saket Courts.

Parties are directed to appear before the transferee court on 18.11.2024.

The question as to the maintainability and jurisdiction shall be open before the transferee court. Transferor court is directed to send the complete record of the case to the transferee court before 18.11.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

rb/dg