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

+ **TR.P.(CRL.) 54/2024**

M/S PARAS MARKETING

.....Petitioner

Through: Mr. Ravi Shankar, Adv.

versus

M/S GULATI MARKETING CORPORATION

.....Respondent

Through: Ms. Sonali Chopra, Adv. (VC).

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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13.09.2024

The present petition has been filed under Section 407 r/w Section 482 Cr.P.C. seeking transfer of Complaint bearing CC NI No. 5802 of 2022 from the Court of Ld. Metropolitan Magistrate Saket South East District, New Delhi to the Court of Ld. Chief Metropolitan Magistrate Saket, South District, New Delhi.

Learned counsel submits that the transfer is necessitated on account of the fact that the complaint was inadvertently filed in the South East District.

Learned counsel for the respondent has taken two objections. Firstly, under Section 201 Cr.P.C. the plea should have been taken before the Ld. MM concerned and secondly ingredients of Section 407 are not made out.

I have considered the submissions. There is no force in the submissions of the learned counsel for respondent.

Section 201 Cr.P.C. does not empower the Magistrate to transfer the complaint to another court but only to return it for presentation to the proper



court or to dismiss it if there is no sufficient ground for proceeding.

Section 407 Cr.P.C. empowers the High Court to transfer the matter for the convenience of the parties besides other grounds.

It is pertinent to mention here that South East District, Saket and South District, Saket are located in the same complex and no prejudice will be caused to either of the parties.

In view of the facts and circumstances, the Complaint bearing CC NI No. 5802 of 2022 is transferred from the Court of Ld. Metropolitan Magistrate Saket South East District, New Delhi to the Court of Ld. Chief Metropolitan Magistrate Saket, South District, New Delhi. The Court of Ld. Metropolitan Magistrate Saket South East District, New Delhi is directed to send the complete record in all respect to the Court of Ld. Chief Metropolitan Magistrate Saket, South District, New Delhi.

Copy of this order be sent to Ld. Principal District and Sessions Judge, South East District, Saket Courts and to Ld. Principal District and Sessions Judge, South District, Saket Courts.

Parties are directed to appear before Ld. Chief Metropolitan Magistrate Saket, South District, New Delhi on 26.09.2024.

DINESH KUMAR SHARMA, J

SEPTEMBER 13, 2024/AR/NA..