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

+ **TR.P.(CRL.) 111/2023 & CRL.M.A. 23526/2023**

SH SURESH KHANDELWAL PROPRIETOR M/S SHRI RAM CORPORATION Petitioner

Through: Mr. Akash Shukla, Advocate

versus

M/S SWARAJ OVERSEAS THROUGH SPA Respondent

Through: Mr. S.K. Sharma, Advocate

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

01.03.2024

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1. This petition has been filed on behalf of the Petitioner under Section 407 Cr.P.C. seeking transfer of Complaint Case No.6553/2019 titled '*Swaraj Overseas v. Suresh Khandelwal*', filed before learned MM (NI-Act), New Delhi District, Rouse Avenue Court, New Delhi, later transferred to and currently pending before Patiala House Court to the Court of learned MM, (NI-Act), South West District, Dwarka Courts, Delhi, where Complaint Case No.16526/2019 is pending, on the ground that both cases relate to cheques issued in connection with the same transaction between the same parties and there is a commonality of facts and witnesses. It is stated that the case before the Dwarka Court is at the stage of cross-examination of the Complainant while the case before the Patiala House Court is at the stage of award of interim compensation.

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2. Learned counsel appearing on behalf of the Respondent submits that he has no objection to the transfer of the case, as both the cases undoubtedly arise out of the same transaction and are between the same parties but he has a serious objection to the averments in the present petition that 7 other cases mentioned in a tabular form in paragraph 2.7 are also connected, as this is factually incorrect.
3. As the two complaint cases arise out of the same transaction and the parties to the *lis* are the same, Complaint Case No.6553/2019 titled '*Swaraj Overseas v. Suresh Khandelwal*', pending before Patiala House Court is transferred to the Court of learned MM, (NI-Act), South West District, Dwarka Courts, Delhi.
4. The matter will be placed before learned Chief Metropolitan Magistrate, South-West District, Dwarka Courts on 27.03.2024 for appropriate directions, on which date the parties shall appear. File be sent by the Registry to the said Court.
5. Petition along with pending application stands disposed of.
6. Copy of the order will be sent to both the Courts for information.

JYOTI SINGH, J

MARCH 01, 2024/kks