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

+ **CRL.M.C. 6236/2024**

MANDEEP SINGH

.....Petitioner

Through: **Mr. Amit Dwivedi along with Mr.
Kailash Chand, Advocate.**

versus

SARABJIT SINGH

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

12.08.2024

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1. A Petition under Section 482 Cr.P.C (Section 528 BNSS) has been filed on behalf of the petitioner for setting aside the Order dated 05.06.2024 and 05.04.2024 passed by learned M.M, NI Act, South District, Saket, to quash the complaint pending before the learned MM, Saket and to quash the summons issued against the respondent dated 22.07.2017 in the CT Case and to pass appropriate orders.

2. Briefly stated, the respondent herein had filed a Complaint under Section 138 NI Act on 15.06.2017 before the learned M.M. Saket. The petitioner who was the accused in the Complaint Case, was summoned vide Order dated 22.07.2017. Thereafter, the trial has proceeded and is at the stage of cross-examination of the complainant, when the petitioner herein filed an Application under Section 142A (2) N.I Act, 1881 seeking the



dismissal of the Complaint on the ground that it had no jurisdiction to try the present case. The said Application was disposed of as not maintainable by the learned M.M vide Order dated 05.04.2024 by observing that the petitioner herein got summoned vide Order dated 22.07.2017 and any direction to modify the Order of summoning would amount to its review, of which the powers do not vest in the learned M.M. However, it was observed that this was without prejudiced to the right of the accused to move an appropriate Application before the appropriate forum for transfer of the complaint in view of the mandate of Section 142A(2) of N.I. Act.

3. Instead of seeking the transfer of the complaint, the petitioner herein moved another Application under Section 142A (2) NI Act seeking that the complaint be consigned sine die for lack of jurisdiction. This application was dismissed by the learned M.M on the same date i.e. 05.06.2024 by observing that the similar Application has already been dismissed by the learned M.M, on 05.04.2024. Also, the petitioner cannot be granted relief for seeking sine die adjournment on account of lack of jurisdiction.

4. The **present petition under Section 482 Cr.P.C** has been filed to challenge the aforesaid two Orders. It is claimed that in terms of Section 142 A(2) NI Act that the present complaint which is pending before the learned M.M, Saket Court, needs to be transferred to Gurugram, where according to the petitioner the two earlier Complaints had been filed by the respondent.

5. The power of transfer of the case from one State to another vests only in the Apex Court. The relief if any, available to the petitioner cannot be granted by this Court. Despite understanding and knowing the correct procedure to be followed, the present petition has been filed seeking



quashing when lack of territorial jurisdiction may entail transfer but cannot be quashed on this ground. The present petition is without merit and is hereby dismissed.

6. The petition is accordingly disposed of along with the pending applications, if any.

NEENA BANSAL KRISHNA, J

AUGUST 12, 2024/va