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

+ **TR.P.(CRL.) 1/2024**

MANJIT SINGH KHURANA Petitioner

Through: **Mr. Anand Mishra, Advocate**

versus

NIRMAL SINGH Respondent

Through: **Ms. Sahiba Singh, Advocate**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

01.04.2024

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1. This petition has been filed under Section 407 Cr.P.C. on behalf of the Petitioner seeking transfer of complaint case bearing CC NI Act No. 1696/2021 titled '*Manjit Singh Khurana v. Nirmal Singh*' under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') from North District to North West District, Rohini Courts, Delhi.

2. Present case relates to alleged dishonour of three cheques issued in favour of the Petitioner by the Respondent bearing Nos. 123923, 087603 and 087593, drawn on Bank of Maharashtra. Petitioner herein is the Complainant before the Trial Court while Respondent is the accused. It is the case of the Petitioner that after the cheques were dishonoured, a legal notice was sent to the Respondent on 13.04.2021 to which neither reply was received nor payment was made by the Respondent constraining the Petitioner to file a complaint under Section 138 of the NI Act, which is pending before the Court of learned MM, North District, Rohini Courts, Delhi.



3. It is further stated that Petitioner maintains his bank account with a Branch of State Bank of India at Wazirpur Industrial Area, Delhi and inadvertently filed the complaint before the Court of learned MM, District-North, Rohini Courts stating that Wazirpur Industrial Area falls under Police Station Model Town. Summons were issued by the Court, however, when the Accused appeared, an application was filed on his behalf on 28.03.2023 under Section 258 Cr.P.C. read with Section 461(M) Cr.P.C. disputing the territorial jurisdiction of the Trial Court to entertain the complaint on the ground that the Branch of SBI at Wazirpur Industrial Area, was under Police Station Ashok Vihar, and therefore, the competent Court to entertain the complaint would be the Court of learned CMM, North-West District, Rohini Courts. Realising the inadvertent mistake committed by the Petitioner, present petition has been filed seeking transfer.

4. Ms. Sahiba Singh, learned counsel enters appearance on behalf of Respondent and candidly states that Respondent has no objection to the transfer petition being allowed as it was the Respondent who had raised an objection to the territorial jurisdiction of the Court where the complaint is currently pending.

5. Having heard learned counsel for the Petitioner, this Court finds merit in Petitioner's contention that the jurisdiction to entertain the complaint will vest in the Court under whose jurisdiction the drawee bank is located. This position of law is crystallized by the Supreme Court in ***Dashrath Rupsingh Rathod v. State of Maharashtra and Another, (2014) 9 SCC 129.*** Accordingly, considering that Wazirpur Industrial Area Branch of State Bank of India comes under PS: Ashok Vihar which falls under the jurisdiction of North-West District, Rohini Courts, complaint case being CC



No.1696/2021 titled '*Manjit Singh Khurana v. Nirmal Singh*', stands transferred from the Court of learned Metropolitan Magistrate (MM), North District, Rohini Courts, Delhi to the Court of learned Chief Metropolitan Magistrate, North West District, Rohini Courts, Delhi. Matter be placed before the Principal District and Sessions Judge, North West District, Rohini Courts, Delhi on 16.04.2024 for passing appropriate orders.

JYOTI SINGH, J

APRIL 01, 2024/kks/shivam