

2025:PHHC:066098



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-20018-2025 (O&M)

Reserved on : 14.05.2025

Pronounced on : 19.05.2025

A. H. Fashion Karma Pvt. Ltd. and another

...Petitioners

Versus

M/s Cotton and Blends Inc. and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Chaitanya Rohilla, Advocate
for the petitioner.

Ms. Damini Aggarwal, Advocate
for respondent No. 1. (Through VC)

Mr. Vivek Sharma, DAG, Punjab.

MANISHA BATRA, J.

1. Instant Petition has been filed under Section 447 of Bharatiya Nagarik Suraksha Sanhita 2023 (*for short* 'BNSS') seeking transfer of criminal complaint bearing No. NACT/3342 of 2021, titled as ***Cotton & Blends vs. A. H. Fashion Karma Pvt. Ltd. & another***, filed by respondent No. 1 against the petitioner, from the Court of learned Judicial Magistrate First Class, Jalandhar to the Court to learned Judicial Magistrate First Class, Ludhiana.

2. It is submitted by learned counsel for the petitioner that the respondent No. 1 has filed five complaints. The details of which are mentioned in paragraph No. 4 of this petition before the Court of learned Judicial Magistrate First Class, Ludhiana. The complaint which is the subject matter of this petition is with regard to dishonour of a cheque which

2025:PHHC:066098



relates to the same transaction. It is submitted that since the cheques qua the dishonor of which, the complaints are pending before the Court at Ludhiana as well as the cheque of the complaint which is mentioned in this petition, had been issued as a part of one single transaction, therefore, it is proper in the interest of justice that they should be tried by one and the same Court. In Support of his argument, the petitioner has relied upon the authorities cited as *Yogesh Upadhyay and others vs. Atlanta Limited, 2023 (2) RCR (Criminal) 195, Shellz India Pvt. Ltd. vs., Starco Metaplast Pvt. Ltd., Tr.P. (Crl.) 129/2023, decided on 11.10.2023, Vikram Tractors and others vs. Escorts Ltd. and others, (2005) 10 SCC 80 and Ayyangar Agencies and others vs. Sri Vishnu Cement Ltd. and others, (2000) 10 SCC 596.*

3. Learned Counsel for the respondent No. 1, on the other hand, has argued that there is no need for transfer of the complaint to the Court at Ludhiana as the cheque in question was dishonored within the jurisdiction of the Court before which the same is pending and the said Court is having proper jurisdiction to entertain and try the complaint.

4. The rival submissions as addressed by both the parties have been heard.

5. The respondent No. 1 has not denied that the cheques qua which complaints have been pending before the Court of Judicial Magistrate at Ludhiana are part of the same transaction with the cheque which is the subject matter of the complaint pending before the Court at Jalandhar. In *Yogesh Upadhyay's* case (supra), the Hon'ble Supreme Court, while dealing with a similar question, had transferred complaints filed under section 138 of the Negotiable Instruments Act, 1881 to the same Court by observing that

2025:PHHC:066098



the complaint cases pertained to the same transaction and it was convenient in the interest of all concerned, including the parties as well as their witnesses to transfer the case to one Court. Similar observations were made in *Shells India's* case (supra) by the High Court of Delhi. In *Vikram Tractor's* (supra), in respect of same transaction, several cheques were issued and were presented for encashment at different places, resulting in prosecution at different places. The Hon'ble Supreme Court had allowed the prayer made by the accused for transfer of all these cases to one Court. In *Ayyangar Agencies's* case (supra), the offence was of the same nature sprouted from different cheques. Hon'ble Supreme Court had observed that it would be advantageous to all the parties to have all the said cases before the same Court.

6. Keeping in view the ratio of law laid down in the aforesaid cited judgments, in the considered opinion of this Court, transfer of the complaint in question to the Court of learned Judicial Magistrate First Class, Ludhiana where five other complaints qua the cheques which were part of the same transaction, would be in the interest of Justice. More so, it would also avoid the possibility of contradictory findings by the Court concerned. Accordingly, the petition is allowed and criminal complaint No. NACT/3342/2021, pending before the Court of learned Judicial Magistrate First Class, Jalandhar is ordered to be transferred to the court of concerned Judicial Magistrate First Class, Ludhiana, which will be tried alongwith the complaint cases bearing Nos. NACT/11695 of 2021, NACT/11696 of 2021, NACT/11698 of 2021, NACT/11703 of 2021 and NACT/11704 of 2021.

7. A copy of this order shall be sent to the concerned Courts for

2025:PHHC:066098



information and compliance. The parties shall appear before Court of learned Judicial Magistrate First Class, Ludhiana on 02.07.2025.

8. It is clarified that the complaint so ordered to be transferred shall proceed from the same stage as it was before the court of learned Judicial Magistrate First Class, Jalandhar.

19.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No