



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-41328-2024

Date of Decision : November 04, 2025

MOHINDER KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Rose Gupta, Advocate for respondents No.3 and 4.

JASJIT SINGH BEDI, J. (Oral)

1. The prayer in the present petition filed under Section 447 read with Section 528 of BNSS 2023 is for seeking quashing of the impugned order dated 06.08.2024 (Annexure P-1) whereby the Court of Sessions Judge, Hisar has dismissed the application (Annexure P-2) seeking transfer of trial of the case arising out of FIR No.675 dated 18.11.2020, under Sections 420/120-B/381/109 IPC, Police Station Hisar City, District Hisar, Haryana lodged by the petitioner against the respondents as well as the trial of the case under Section 138 of the Negotiable Instruments Act instituted against the petitioner i.e. NACT No.2158 of 2020, CNR No.HRHS03-03008006-2020 titled "M/s Tirupati Chemical Vs. Jadia Pipes (India) Ltd." pending in the Court of the Judicial Magistrate 1st Class, Hisar to the same Court.

2. The learned counsel appearing on behalf of the petitioner contends that the petitioner is facing trial for having committed an offence under Section 138 of the Negotiable Instruments Act. He is a complainant in the state case arising out of FIR No. 675 dated 18.11.2020, under Sections 420/120-B/381/109 IPC, Police Station Hisar City, District Hisar, Haryana wherein the allegations are that the cheques in question have been stolen by the family members of the complainant, who has initiated proceedings under Section 138 of the Negotiable Instruments Act. Effectively, it is a case of version and cross-version and ought to be tried by the same Court. He, therefore, prays that the impugned order be quashed and directions be issued that the trial in both the cases be conducted before the Court of Judicial Magistrate 1st Class, Hisar.

3. The learned counsel for the private respondents, on the other hand, contends that the Court under Section 138 of the Negotiable Instruments Act has been constituted as a Special Court established by this Court to deal exclusively with the cases under the Negotiable Instruments Act. The trial of a case under the IPC cannot be conducted by the said Special Court. Therefore, the present petition is liable to be dismissed.

4. I have heard the learned counsel for the parties and have perused the record.

5. Apparently, it is a case of a version and cross-version inasmuch as it is the case of the petitioner, who is the complainant in the aforesaid FIR that the cheques have been stolen by the family

members of the person, who is the complainant in the case under Section 138 of the Negotiable Instruments Act. It would be a judicial embarrassment if both the Courts came to different conclusion. Therefore, it would be in the interest of justice, if both the cases are tried by the same Court.

6. In view of the above, the impugned order dated 06.08.2024 is quashed. The District and Sessions Judge, Hisar is directed to transfer the case emanating out of FIR No.675 dated 18.11.2020, under Sections 420/120-B/381/109 IPC, Police Station Hisar City, District Hisar to the Special Court of Judicial Magistrate 1st Class, Hisar where the case under Section 138 of the Negotiable Instruments Act is already pending and the said Court shall try both the cases together as cross cases.

7. Disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 04, 2025
ajaysharma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No