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

+ **W.P.(CRL) 2992/2022 & CRL.M.A. 26240/2022**

M/S MAHENDRA ROSIN AND TURPENTINE PVT
LTD & ORS.Petitioners

Through:

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Anand V. Khatri,
ASC (CRL) for the State.
SI Ramphool, PS Shalimar
Bagh.

+ **W.P.(CRL) 2993/2022 & CRL.M.A. 26243/2022**

M/S MAHENDRA ROSIN AND TURPENTINE PVT
LTD & ORS.Petitioner

Through:

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Anand V. Khatri,
ASC (CRL) for the State.
SI Ramphool, PS Shalimar
Bagh.

+ **W.P.(CRL) 2994/2022 & CRL.M.A. 26246/2022**

M/S MAHENDRA ROSIN AND TURPENTINE PVT
LTD & ORS.Petitioner

Through:

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Anand V. Khatri,
ASC (CRL) for the State.
SI Ramphool, PS Shalimar
Bagh.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

W.P.(CRL) 2992/2022

Page 1 of 4



ORDER
03.04.2025

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CRL.M.A. 26241/2022 & CRL.M.A. 26242/2022 (exemptions)
in W.P.(CRL) 2992/2022;
CRL.M.A. 26244/2022 & CRL.M.A. 26245/2022 (exemptions)
in W.P.(CRL) 2993/2022 and
CRL.M.A. 26247/2022 & CRL.M.A. 26248/2022 (exemptions)
in W.P.(CRL) 2994/2022

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(CRL) 2992/2022 & CRL.M.A. 26240/2022
W.P.(CRL) 2993/2022 & CRL.M.A. 26243/2022
W.P.(CRL) 2994/2022 & CRL.M.A. 26246/2022

3. The present petitions are filed essentially seeking quashing of the respective summoning orders in complaint case being Ct Case Nos. 1806/2021, 1756/2021 and 1803/2021, filed by the respective complainants, under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881 ('NI Act').
4. The petitions are filed agitating essentially two grounds. Firstly, that the amount claimed by the complainants has already been returned and secondly, that the Courts in Delhi do not have the territorial jurisdiction to entertain the aforesaid complaints.
5. The learned counsel for the petitioners seeks to rely upon certain documents, including the ledger account statement of Petitioner No.1 company along with a letter dated 09.01.2021, which allegedly shows that the amount of ₹30 lakhs that was due to the complainants, was adjusted against their liability to the proprietorship concern of Petitioner No.2– M/s. Resin and Polymers.
6. In the opinion of this Court, the said argument is in the nature of defence and the same can only be tested during the

W.P.(CRL) 2992/2022

Page 2 of 4



course of trial. The documents allegedly show that the amount payable to the complainants was paid by the petitioner from another account maintained by the proprietorship concern of Petitioner No. 2. The contention is not accepted by the complainants, who have disputed that the liability of the petitioners had already been adjusted. The evidence as sought to be produced by the petitioners is not of such sterling nature which would warrant exercise of power under Section 482 of the Code Criminal Procedure, 1973 ('CrPC'). The same is a disputed question of fact and can only be ascertained after the evidence is led by the parties.

7. In regard to the territorial jurisdiction of the learned Trial Court, the learned counsel for the petitioners submits that the parties are residents of Mumbai. He submits that the complainants, in such circumstances, could not be maintaining a bank account in Delhi, and had only presented the cheques in dispute in one of the branches of Axis Bank in Delhi.

8. The complaints are supported with the Return Memos. The same indicates to have been issued by the Axis Bank in Delhi.

9. The learned counsel for the complainants denies the said contention. He submits that the complainants maintain a bank account in Delhi and the cheque was submitted for encashment in Delhi itself.

10. In terms of Section 142 (2) of the NI Act, the offence under Section 138 of the NI Act shall be inquired into and tried only by a Court within whose local jurisdiction the branch of the bank where the payee or the holder in due course, as the case may be, maintains the account, is situated.

11. The respective complainants have specifically averred in the complaints that they maintain a bank account in Axis Bank

W.P.(CRL) 2992/2022



Branch – Shalimar Bagh. It is stated that the Return Memo also reflects the said aspect.

12. Whether the account is not maintained in Delhi by the complainants and only the cheque was presented here is a disputed question of fact and cannot be looked into at this stage. The same would be a matter of trial. At this stage, the return memo *prima facie* indicates that the complainants had deposited the cheques in the account maintained by them in bank located within the territorial jurisdiction of the Court in Delhi.

13. As noted above, the contentions raised by the petitioners involve disputed questions of facts and the same cannot be resolved in the proceedings under Section 482 of the CrPC.

14. In view of the above, I find no merit in the present petitions. The petitions are, therefore, dismissed.

15. However, considering that the Petitioner Nos. 2 and 3 are Senior Citizens, the leaned Trial Court is requested not to insist on their personal appearance and exempt the same unless necessary.

16. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

APRIL 3, 2025

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