

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 18044 of 2021**

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PRIYANKA COMMUNICATIONS (INDIA) PVT. LTD
Versus
STATE OF GUJARAT

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Appearance:

UTSAV C SHETH(7886) for the Applicant(s) No. 1,2,3
for the Respondent(s) No. 2
MS SS PATHAK APP (2) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 02/12/2021

ORAL ORDER

1. Heard Mr. Manish S. Shah, learned advocate for the applicants. This application under Section 482 of Cr.P.C. for quashing the complaint registered as Criminal Case No. 66589 of 2020 pending before the learned Additional Chief Metropolitan Magistrate, Court no. 34, Ahmedabad for the offences punishable under Section 138 of the NI Act.

2. The respondent no. 2 has filed the complaint against Priyanka Communication (India) Pvt. Ltd and its two directors namely Mahesh Agrawal and Manish Agrawal.

3. Mr. Shah, learned advocate raised the issue of jurisdiction to submit that summary commercial suit for the alleged loan amount is being filed at Mumbai. The loan transaction i.e. agreement and subsequent proceedings being executed at Mumbai. The parties are doing their business at Mumbai and therefore, the learned Metropolitan Court, Ahmedabad has no jurisdiction to try the case. The issue raised by Mr.

Shah deserves consideration. Hence, notice be issued to the respondents returnable on 17.02.2022. Learned APP waives service of notice on behalf of respondent State.

4. A bare perusal of the complaint as well as material placed on record, would show that accused no. 2 Mahesh Agrawal has resigned from the post of Director on 30.04.2019 i.e. prior to disbursement of the loan. Thus, so far accused no. 2 Mahesh Agrawal is concerned, the case is made out for interim relief. Hence, qua accused no.2 Mahesh Agrawal, interim relief in terms of para-8C is granted till the returnable date.

P.S. JOSHI

(ILESH J. VORA,J)