

(2013) 11 DEL CK 0070

In the Delhi High Court

Case No : Writ Petition (Criminal) 1546 of 2013

Sayed Mohd. Masood

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 11-11-2013

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 20(c)
Constitution of India, 1950 — Article 226, 226(2), 227
Penal Code, 1860 (IPC) — Section 120B, 420
Prevention of Money-Laundering Act, 2002 — Section 2(u), 24, 3, 4, 45

Citation : (2014) 2 AD 185 : (2013) 204 DLT 1

Hon'ble Judges : Nuthalapati Venkata Ramana, C.J; Manmohan, J

Bench : Division Bench

Advocate : V.P. Singh and Mr. S.S. Gandhi, s and Mr. N.S. Vasisth, Mr. Vishal Singh and Mr. Arpan Sharma, for the Appellant; Rajeev Mehra, ASG and Mr. Neeraj Chaudhari and Mr. Aditya Malhotra, Advocates for UOI, for the Respondent

Judgement

Manmohan, J.

Crl.M.A. No. 14336/2013 (exemption) in W.P.(CRL.) 1546/2013

Allowed, subject to just exceptions.

W.P.(CRL.) 1546/2013 & Crl.M.A. No. 14335/2013

1. Present writ petition has been filed by the petitioner seeking the following reliefs:-

(i) Issue a writ of certiorari and/or any other writ, order or direction of similar nature declaring and quashing the provisions of Section 2(u), 3, 4, 5, 8, 24 & 45 of the PMLA as being ultra vires the Constitution.

(ii) Issue a writ of certiorari and/or any other writ, order or direction quashing the entire proceedings, prosecutions and adjudications under ECIR/65/MZO/2009 initiated against the Petitioner under PMLA Act and further quash all actions and

prosecution initiated against the Petitioner emanating from dishonour of cheque cases;

(iii) Pass any other or further order which this Hon"ble Court may deem fit and proper in the interest of justice.

(emphasis supplied)

At the outset, respondent No. 1-UOI had raised a preliminary objection with respect to the jurisdiction of this Court to entertain the present petition on the ground that no cause of action had accrued within the territorial jurisdiction of this Court.

2. For this reason, we have confined ourselves to only those facts which are relevant for deciding the question of territorial jurisdiction, eschewing other facts and details.

3. The relevant facts as can be culled out from the present petition and the documents annexed are that petitioner was the Chairman and Director of M/s. City Limouzines (India) Ltd. and also of at least ten other City Group of companies. In 2002, M/s. City Limouzines (India) Ltd. launched an investment scheme by the name of "Go-Vehicle on rental basis and earning by sitting at home" whereby investments were invited from general public assuring high returns. Similar schemes were also floated by the other companies belonging to the City Group.

4. An Enforcement Case Information Report (for short "ECIR") No. 65/MZO/2009 dated 30th October, 2009 was registered by the Enforcement Directorate, Mumbai Zonal Office, based on preliminary investigation carried out in three FIRs being, FIR No. 201/2009 dated 27th September, 2009 by Cuffe Parade Police Station, Mumbai, FIR No. 347/2009 dated 26th September, 2009 by Amboli Police Station, Mumbai and FIR No. 401/2009 dated 08th October, 2009 by Vakola Police Station, Mumbai. All these FIRs had been registered under Sections 420 and 120B of Indian Penal Code, 1860 (for short "IPC") against M/s. City Limouzines (India) Ltd. and its Directors including the petitioner for cheating investors who had subscribed to various schemes floated by it.

5. On 11th February, 2013, the prosecution filed a complaint, being Special Case No. 01 of 2013 u/s 3 read with Section 4 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as "PMLA, 2002") before the Court of Principal Judge, City Civil and Sessions Court for Greater Bombay at Mumbai, Designated Court for the PMLA, 2002 (hereinafter referred to as "Special Court, Mumbai"). The prosecution in the above-mentioned complaint had amongst others alleged that the companies floated by the petitioner had collected monies from approximately 25,000 investors and had cheated them to the tune of Rs. 500 crores and had further illegally transferred monies abroad.

6. Mr. V.P. Singh, learned senior counsel for the petitioner submitted that this Court had jurisdiction to entertain the present petition for the reason that

substantial cause of action had arisen in Delhi. He pointed out that vide summons dated 14th December, 2012, the petitioner was asked to appear in person in the office of Directorate of Enforcement, Delhi Zonal Office, 10-A, Jam Nagar House, Akbar Road, New Delhi. He further drew attention of this Court to the fact that even the arrest order had been issued from the same Delhi office pursuant to which the petitioner was actually arrested in Delhi.

7. Mr. Singh also submitted that in a case pending against the petitioner under COFEPOSA, a detention order issued in Delhi on 15th January, 2010 was challenged before this Court in W.P.(Crl.) No. 1755/2010. He submitted that this Court not only entertained the aforesaid petition, but in fact, by order dated 03rd March, 2011 set aside the detention order.

8. Mr. Singh submitted that the above mentioned facts were sufficient to establish that a substantial cause of action had arisen in Delhi, which would entitle the petitioner to file the present petition in this Court. In support of his submission, Mr. Singh, learned senior counsel relied upon Navinchandra N. Majithia Vs. State of Maharashtra and Others, ; Kusum Ingots and Alloys Ltd. Vs. Union of India (UOI) and Another, and Sterling Agro Industries Ltd. Vs. Union of India (UOI) and Others, . The relevant portion of Navinchandra N. Majithia (supra) is reproduced hereinbelow:-

43. We make it clear that the mere fact that FIR was registered in a particular State is not the sole criterion to decide that no cause of action has arisen even partly within the territorial limits of jurisdiction of another State. Nor are we to be understood that any person can create a fake cause of action or even concoct one by simply jutting into the territorial limits of another State or by making a sojourn or even a permanent residence therein. The place of residence of the person moving a High Court is not the criterion to determine the contours of the cause of action in that particular writ petition. The High Court before which the writ petition is filed must ascertain whether any part of the cause of action has arisen within the territorial limits of its jurisdiction. It depends upon the facts in each case.

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45. In the aforesaid situation it is almost impossible to hold that not even a part of the cause of action has arisen at Bombay so as to deprive the High Court of Bombay of total jurisdiction to entertain the writ petition filed by the petitioner. Even the very fact that a major portion of the investigation of the case under the FIR has to be conducted at Bombay itself, shows that the cause of action cannot escape from the territorial limits of the Bombay High Court.

9. Mr. Rajeeve Mehra, learned ASG for respondent No. 1-Union of India submitted that this Court did not have jurisdiction as in the present case proceedings under the PMLA, 2002 of which the petitioner is seeking quashing, the entire cause of action had arisen in Mumbai. He pointed out that ECIR was registered in Mumbai by the Mumbai Zonal Office and also the complaint under

PMLA, 2002 had been filed before Special Court, Mumbai. He submitted that in view of the above said facts the present petition deserved to be dismissed at the outset as the same was not maintainable due to lack of territorial jurisdiction.

10. Mr. Mehra further submitted that the proceedings under COFEPOSA and PMLA, 2002 were distinct. He submitted that the writ petition filed by petitioner challenging the detention order under COFEPOSA was entertained by this Court as the detaining authority under COFEPOSA was in Delhi and the detention order had also been passed in Delhi.

11. In support of his submission, Mr. Mehra relied upon *Musaraf Hossain Khan Vs. Bhagheeratha Engg. Ltd. and Others*, and *Sterling Agro Industries Ltd.* (supra).

12. Having perused the paper book and heard the learned counsel for parties, this Court is of the view that it would be appropriate to first examine the law in respect of territorial jurisdiction of the High Courts under Article 226 of the Constitution. The Supreme Court in *Kusum Ingots & Alloys Ltd.* (supra) has held as under:-

Background facts

2. The appellant is a company registered under the Indian Companies Act. Its registered office is at Mumbai. It obtained a loan from the Bhopal Branch of State Bank of India. Respondent 2 issued a notice for repayment of the said loan from Bhopal purported to be in terms of the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Questioning the vires of the said Act, the said writ petition was filed before the Delhi High Court by the appellant herein which was dismissed on the ground of lack of territorial jurisdiction.

Submissions

4. The only submission made on behalf of the appellant before the High Court as also before us is that as the constitutionality of a parliamentary Act was in question, the High Court of Delhi had the requisite jurisdiction to entertain the writ petition.

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18. The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the Court.

19. Passing of a legislation by itself in our opinion does not confer any such right to file a writ petition unless a cause of action arises therefor.

20. A distinction between a legislation and executive action should be borne in

mind while determining the said question.

21. A parliamentary legislation when it receives the assent of the President of India and is published in the Official Gazette, unless specifically excluded, will apply to the entire territory of India. If passing of a legislation gives rise to a cause of action, a writ petition questioning the constitutionality thereof can be filed in any High Court of the country. It is not so done because a cause of action will arise only when the provisions of the Act or some of them which were implemented shall give rise to civil or evil consequences to the petitioner. A writ court, it is well settled, would not determine a constitutional question in a vacuum.

22. The Court must have the requisite territorial jurisdiction. An order passed on a writ petition questioning the constitutionality of a parliamentary Act, whether interim or final keeping in view the provisions contained in clause (2) of Article 226 of the Constitution of India, will have effect throughout the territory of India subject of course to the applicability of the Act.

Situs of office of the respondents -- whether relevant

23. A writ petition, however, questioning the constitutionality of a parliamentary Act shall not be maintainable in the High Court of Delhi only because the seat of the Union of India is in Delhi. (See Abdul Kafi Khan Vs. Union of India (UOI) and Others, .)

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26. The view taken by this Court in U.P. Rashtriya Chinni Mills Adhikari Parishad, Lucknow Vs. State of U.P. and others, that the situs of issue of an order or notification by the Government would come within the meaning of the expression "cases arising" in clause 14 of the (Amalgamation) Order is not a correct view of law for the reason hereafter stated and to that extent the said decision is overruled. In fact, a legislation, it is trite, is not confined to a statute enacted by Parliament or the legislature of a State, which would include delegated legislation and subordinate legislation or an executive order made by the Union of India, State or any other statutory authority. In a case where the field is not covered by any statutory rule, executive instructions issued in this behalf shall also come within the purview thereof. Situs of office of Parliament, legislature of a State or authorities empowered to make subordinate legislation would not by itself constitute any cause of action or cases arising. In other words, framing of a statute, statutory rule or issue of an executive order or instruction would not confer jurisdiction upon a court only because of the situs of the office of the maker thereof.

27. When an order, however, is passed by a court or tribunal or an executive authority whether under provisions of a statute or otherwise, a part of cause of action arises at that place. Even in a given case, when the original authority is constituted at one place and the appellate authority is constituted at another, a

writ petition would be maintainable at both the places. In other words, as order of the appellate authority constitutes a part of cause of action, a writ petition would be maintainable in the High Court within whose jurisdiction it is situate having regard to the fact that the order of the appellate authority is also required to be set aside and as the order of the original authority merges with that of the appellate authority.

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Forum conveniens

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens. [See Bhagat Singh Bugga Vs. Dewan Jagbir Sawhney, , Madanlal Jalan Vs. Madanlal and others , Bharat Coking Coal Limited. Vs. Jharia Talkies and Cold Storage Private Ltd., , S.S. Jain and Co. Vs. Union of India (UOI), and M/s. New Horizons Limited and another Vs. Union of India and others, .]

(emphasis supplied)

13. In fact, the Supreme Court in Mosaraf Hossain Khan (supra) after referring to Navinchandra N. Majithia (supra) has held as under:-

16. In Navinchandra N. Majithia Vs. State of Maharashtra and Others, a contract was entered into by and between a company, Indian Farmers Pvt. Ltd. (IFPL) and Chinara Export Ltd. (CEL). The appellant therein was the Managing Director of IFPL Company. CEL entered into an agreement with IFPL for purchase of the entire shares of IFPL for which it paid earnest money. It, however, failed to fulfil its commitment to pay the balance purchase price within the specified time. IFPL terminated the agreement. A suit was filed by CEL in the High Court of Bombay for specific performance of the said agreement. Two shareholders of CEL took over the management and control of the Company as Directors and they formed another company named J.B. Holdings Ltd. ("JBHL") at Shillong in the State of Meghalaya. Later the said suit was withdrawn upon the appellant returning the amount paid by CEL which was earlier forfeited by the appellant. Pursuant to the said agreement JBHL made payments for the purchase of shares of IFPL. But the appellant therein contended that as JBHL committed default in making the balance payment and thereby committed breach of the agreement, the said agreement stood terminated and the earnest money stood forfeited as stipulated in the agreement. In the aforementioned situation a complaint was filed by JBHL against the appellant at Shillong. The maintainability of the said complaint came to be questioned by Majithia by filing a writ petition before the Bombay High Court which was dismissed. Writ jurisdiction under Article 226 of the Constitution was invoked on the ground that the entire transaction on which the complaint was based had taken place at Mumbai and not at any other place outside the

said town, much less at Shillong. It was further contended that the jurisdiction to investigate into the contents of the complaint was only with the police/courts in Mumbai. The prayers made in the said writ petition were: (SCC p. 644, para 3)

3. (a) to quash the complaint lodged by JBHL or in the alternative to issue a writ of mandamus directing the State of Meghalaya to transfer the investigation being conducted by the officers of CID at Shillong to the Economic Offences Wing, General Branch of CID, Mumbai or any other investigating agency of the Mumbai Police, and

(b) to issue a writ of prohibition or any other order or direction restraining the Special SP Police, CID, Shillong and/or any investigating agency of the Meghalaya Police from taking any further step in respect of the complaint lodged by JBHL with the police authorities at Shillong.

17. The said writ petition, as indicated hereinbefore, was dismissed by the Bombay High Court. This Court reversed the said order opining that the entire cause of action arose within the jurisdiction of the High Court of Bombay. Upon noticing some earlier decisions of this Court, it was observed: (SCC pp. 650-51, para 27)

27. Tested in the light of the principles laid down in the cases noted above the judgment of the High Court under challenge is unsustainable. The High Court failed to consider all the relevant facts necessary to arrive at a proper decision on the question of maintainability of the writ petition, on the ground of lack of territorial jurisdiction. The Court based its decision on the sole consideration that the complainant had filed the complaint at Shillong in the State of Meghalaya and the petitioner had prayed for quashing the said complaint. The High Court did not also consider the alternative prayer made in the writ petition that a writ of mandamus be issued to the State of Meghalaya to transfer the investigation to Mumbai Police. The High Court also did not take note of the averments in the writ petition that filing of the complaint at Shillong was a mala fide move on the part of the complainant to harass and pressurise the petitioners to reverse the transaction for transfer of shares. The relief sought in the writ petition may be one of the relevant criteria for consideration of the question but cannot be the sole consideration in the matter. On the averments made in the writ petition gist of which has been noted earlier it cannot be said that no part of the cause of action for filing the writ petition arose within the territorial jurisdiction of the Bombay High Court.

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26. In *Kusum Ingots and Alloys Ltd. Vs. Union of India (UOI) and Another*, a three-Judge Bench of this Court clearly held that with a view to determine the jurisdiction of one High Court vis-à-vis the other the facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be made and the facts which have nothing to do therewith cannot give rise to a cause of action to invoke the jurisdiction of a court. In that case it was clearly held that only

because the High Court within whose jurisdiction a legislation is passed, it would not have the sole territorial jurisdiction but all the High Courts where cause of action arises, will have jurisdiction...

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28. We have referred to the scope of jurisdiction under Articles 226 and 227 of the Constitution only to highlight that the High Courts should not ordinarily interfere with an order taking cognizance passed by a competent court of law except in a proper case. Furthermore only such High Court within whose jurisdiction the order of the subordinate court has been passed, would have the jurisdiction to entertain an application under Article 227 of the Constitution unless it is established that the earlier cause of action arose within the jurisdiction thereof.

(emphasis supplied)

14. A Five Judges Bench of this Court in *Sterling Agro Industries Ltd. (supra)* after considering a number of judgments including *Ambica Industries Vs. Commissioner of Central Excise*, has held as under:-

31. The concept of forum conveniens fundamentally means that it is obligatory on the part of the court to see the convenience of all the parties before it. The convenience in its ambit and sweep would include the existence of more appropriate forum, expenses involved, the law relating to the lis, verification of certain facts which are necessitous for just adjudication of the controversy and such other ancillary aspects. The balance of convenience is also to be taken note of. Be it noted, the Apex Court has clearly stated in the cases of *Kusum Ingots (supra)*, *Mosaraf Hossain Khan (supra)* and *Ambica Industries (supra)* about the applicability of the doctrine of forum conveniens while opining that arising of a part of cause of action would entitle the High Court to entertain the writ petition as maintainable.

32. The principle of forum conveniens in its ambit and sweep encapsulates the concept that a cause of action arising within the jurisdiction of the Court would not itself constitute to be the determining factor compelling the Court to entertain the matter. While exercising jurisdiction under Articles 226 and 227 of the Constitution of India, the Court cannot be totally oblivious of the concept of forum conveniens. The Full Bench in *New India Assurance Co. Ltd. (supra)* has not kept in view the concept of forum conveniens and has expressed the view that if the appellate authority who has passed the order is situated in Delhi, then the Delhi High Court should be treated as the forum conveniens. We are unable to subscribe to the said view.

33. In view of the aforesaid analysis, we are inclined to modify the findings and conclusions of the Full Bench in *New India Assurance Company Limited (supra)* and proceed to state our conclusions in seriatim as follows

(a) The finding recorded by the Full Bench that the sole cause of action emerges

at the place or location where the tribunal/appellate authority/revisional authority is situate and the said High Court (i.e., Delhi High Court) cannot decline to entertain the writ petition as that would amount to failure of the duty of the Court cannot be accepted inasmuch as such a finding is totally based on the situs of the tribunal/appellate authority/revisional authority totally ignoring the concept of forum conveniens.

(b) Even if a miniscule part of cause of action arises within the jurisdiction of this court, a writ petition would be maintainable before this Court, however, the cause of action has to be understood as per the ratio laid down in the case of Alchemist Ltd. (supra).

(c) An order of the appellate authority constitutes a part of cause of action to make the writ petition maintainable in the High Court within whose jurisdiction the appellate authority is situated. Yet, the same may not be the singular factor to compel the High Court to decide the matter on merits. The High Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.

(d) The conclusion that where the appellate or revisional authority is located constitutes the place of forum conveniens as stated in absolute terms by the Full Bench is not correct as it will vary from case to case and depend upon the lis in question.

(e) The finding that the court may refuse to exercise jurisdiction under Article 226 if only the jurisdiction is invoked in a malafide manner is too restricted/constricted as the exercise of power under Article 226 being discretionary cannot be limited or restricted to the ground of malafide alone.

(f) While entertaining a writ petition, the doctrine of forum conveniens and the nature of cause of action are required to be scrutinized by the High Court depending upon the factual matrix of each case in view of what has been stated in Ambica Industries (supra) and Adani Exports Ltd. (supra).

(g) The conclusion of the earlier decision of the Full Bench in New India Assurance Company Limited (supra) "that since the original order merges into the appellate order, the place where the appellate authority is located is also forum conveniens" is not correct.

(h) Any decision of this Court contrary to the conclusions enumerated hereinabove stands overruled.

(emphasis supplied)

15. From the aforesaid, it is apparent that the concept of forum conveniens has been recognised by the Courts and cause of action for determining territorial jurisdiction has been held to be a bundle of facts which the petitioner must prove to entitle him to a judgment in his favour.

16. Now, let us examine the facts of the case in the context of the aforesaid law.

In the present case, the petitioner had incorporated the companies in question in Mumbai; FIRs had been registered in Mumbai; investigations had been carried out in Mumbai; the initial information report under PMLA, 2002 being ECIR/65/MZO/2009 dated 30th October, 2009 was registered in Mumbai, pursuant to which the complaint, being PMLA Special Case No. 01/2013, had been filed before Special Court, Mumbai, which is still pending adjudication in Mumbai. Consequently, it is not difficult for this Court to arrive at the conclusion that if not in whole, but at least the material and substantial cause of action had arisen in Mumbai.

17. Mr. V.P. Singh, learned senior counsel for petitioner's submission that since arrest order was issued in Delhi and subsequently, the petitioner was also arrested in Delhi constitutes a cause of action is misplaced. Going by the petitioner's logic, in all criminal cases, where an accused is arrested in a State different from where FIR is lodged, two High Courts would have jurisdictions under Article 226 of the Constitution, namely, one under whose territorial jurisdiction the FIR had been registered and the other where the accused had been arrested. But in law, two High Courts cannot simultaneously exercise jurisdiction. In our view the mere fact that the summons dated 14th December, 2012 whereby the petitioner was asked to appear in person in the office of Directorate of Enforcement, Delhi Zonal Office and the arrest order was issued from the Delhi Zonal Office are not facts which by themselves would confer territorial jurisdiction on this Court. A perusal of both the summons and the arrest order reveal that they were issued by Mr. D. Shanmugam, Assistant Director, Directorate of Enforcement, Mumbai, Camp at Delhi Zonal Office at 10-A, Jam Nagar House, Akbar Road, New Delhi-110011. This Court is of the opinion that this would imply that Mr. D. Shanmugam, at the relevant time, had only camped at the Delhi Zonal Office for the sake of convenience and it cannot be inferred that the Delhi Zonal Office was directly related to the affairs of the case against the petitioner under PMLA, 2002. Further, the present petitioner was arrested in Delhi because he was available in Delhi. In the present case, the prosecution presented the petitioner before the concerned Duty Magistrate on the same day, i.e., 14th December, 2012 itself and obtained transit remand. The very next day he was produced before the Mumbai Court. At no point of time, the present petitioner was detained in Delhi, more than what was logistically required. Consequently, this Court is of the opinion that the material and substantial part of cause of action had arisen within the jurisdiction of the Mumbai High Court alone.

18. "Cause of action", for the purpose of Article 226(2) of the Constitution of India, for all intent and purport, must be assigned the same meaning as envisaged u/s 20(c) of the Code of Civil Procedure. It means a bundle of facts which are required to be proved. The entire bundle of facts pleaded, however, need not constitute a cause of action as what is necessary to be proved is material facts whereupon a writ petition can be allowed. [See *Eastern Coalfields Ltd. and Others Vs. Kalyan Banerjee*,]. Consequently, in our opinion, the facts

relied upon by Mr. V.P. Singh, learned senior counsel have no relevance to the main issue of quashing of certain provisions of PMLA, 2002 and the complaint filed by respondent before Special Court, Mumbai.

19. This Court is in agreement with Mr. Mehra, learned ASG that proceedings under COFEPOSA and PMLA, 2002 are two independent and separate proceedings, emanating from two different statutes. In the opinion of this Court, jurisdiction cannot be conferred on this Court by drawing an analogy between proceedings under PMLA, 2002 with those under COFEPOSA.

20. This Court is also of the view that, the fact, that it had entertained a writ petition in proceedings under COFEPOSA pending against the petitioner would not mean that it would have to entertain all matters/petitions emanating from one or all cases pending against petitioner in different courts all over India.

21. The principle of forum conveniens also makes it obligatory on the part of the Court to see the convenience of all the parties before it. Be it the existence of a more appropriate forum, expenses, law relating to the lis, convenience of the witnesses, verification and examination of the facts for adjudication of the controversy and other similar and ancillary aspects. The Court has further held that even in a scenario where a part cause of action has arisen within one High Court's territorial jurisdiction, that High Court can still refuse to exercise jurisdiction under Article 226 on account of other considerations as defined under the concept of forum conveniens.

22. Admittedly, the Special Court, Mumbai is in seisin of the matter and the prosecution as well as the evidence is available there. Further, this Court takes note of the fact that the petitioner had himself submitted to Bombay High Court's jurisdiction and had earlier filed the bail application being Criminal Bail Application 71/2013 before it in the proceedings under the PMLA Act, 2000 of which the petitioner is now seeking quashing. In our opinion, it would be appropriate that only such High Court, within whose jurisdiction the subordinate Court is located before whom the trial proceedings are pending and whose quashing is sought, should entertain writ petitions under Article 226. Consequently, the Bombay High Court is better equipped to deal with the present case.

23. It is pertinent to mention that in the entire petition there is not even a whisper as to what cause of action in favour of the petitioner had accrued within the jurisdiction of this Court and why this Court should exercise jurisdiction. The petitioner, for reasons best known to himself, has even omitted the mandatory jurisdiction clause in the present petition. Consequently, since no significant/material/substantial part of cause of action has arisen in Delhi as well as keeping in view the principle of forum conveniens, this Court refuses to entertain the present petition. Accordingly, the present petition is dismissed with liberty to the petitioner to file proceedings in an appropriate court having territorial jurisdiction.