



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

**CRIMINAL PETITION NO. 17675 OF 2025 (482(Cr.PC) /
528(BNSS))**

BETWEEN:

SMT.N.BHAGYAMMA CHALAGIRI,
PROPRIETOR, SHRI KOLLUR MUKAMBIKA
INDUSTRIES,
AGED ABOUT 60 YEARS,
R/AT KODDAMAGGI, MASUR POST,
SHIKARIPURA ROAD, HIREKERUR TALUK,
HAVERI DISTRICT - 581 111.

...PETITIONER

(BY SRI.RAMANA.M.V.V., ADVOCATE FOR
SMT.SUKANYA.H.D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CHITRADURGA POLICE STATION,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SRI. VENKATESH.R
S/O RANGAPPA,
AGED ABOUT 28 YEARS,
AGRICULTURIST AND BUSINESS,
R/AT K.H.S. COLONY, 3RD CROSS,
CHITRADURGA - 577 501.

...RESPONDENTS

(BY SMT.WAHEEDA.M.M., HCGP FOR R1)

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signed by C
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Location:
HIGH
COURT OF
KARNATAKA





THIS CRL.P IS FILED U/S.482 (FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE PROCEEDINGS IN C.C.NO.1909/2025 PENDING ON THE FILE OF THE IIND ADDITIONAL CIVIL JUDGE AND JMFC, CHITRADURGA INITIATED FOR THE ALLEGED OFFENCE U/S.138 OF THE NEGOTIABLE INSTRUMENTS ACT, 1881 R/W SEC.223 OF BNSS, 2023.

THIS CRL. PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner.

2. This petition is filed to quash the proceeding in C.C.No.1909/2025 pending on the file of JMFC, Chitradurga. The aforementioned proceeding is initiated pursuant to a complaint for the offence under Section 138 of the Negotiable Instruments Act, 1881 (Act, 1881).



3. The complainant has produced the dishonoured cheque and the notice issued before filing the complaint for the offence under Section 138 of Act, 1881 and the acknowledgement for having served the notice on the accused/ petitioner. Thereafter, the complaint is filed within the time stipulated under the provisions of the Act, 1881.

4. Learned counsel for the petitioner inviting the attention of the Court to paragraph No.2 of the complaint would contend that basic ingredients are not forthcoming in the said complaint to attract the offence under Section 138 of the Act, 1881.

5. This Court has considered the contentions raised at the Bar and perused the complaint.

6. The complainant speaks about a transaction dated 06.09.2024, wherein he has alleged that the accused has purchased Arecanut worth Rs.1,25,44,000/- (Rupees One Crore, Twenty Five Lakhs Forty Four



Thousand only) and the accused has also mentioned that the cheque dated 17.03.2025 bearing number 161619 for a sum of Rs.1,25,44,000/- (Rupees One Crore, Twenty Five Lakhs Forty Four Thousand only) is issued by the accused in favour of the petitioner. It appears that the said cheque is dishonoured and thereafter the notice has been issued.

7. Though the learned counsel for the petitioner would contend that the accused has not produced any records to establish the transaction and has not mentioned the quantity of the areca said to have been sold by the complainant, the Court is of the view that those are the matters to be considered at the time of trial and cannot be a ground for questioning the proceedings as the basic requirements of Section 138 of Act, 1881 have been satisfied.

8. Hence, the Criminal Petition is ***dismissed***.



9. It is made clear that this Court has not expressed anything on the merits of the matter. All contentions of the parties are kept open and are to be decided by the Judicial Magistrate First Class where the matter is pending.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

MRP
List No.: 1 Sl No.: 60