



CNR: KAHC010016212023

NC: 2026:KHC:48452
CRL.P No. 333 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 7TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 333 OF 2023

BETWEEN:

SRI S. RAVI KUMAR
S/O SHIVARAMA
AGED ABOUT 50 YEARS
R/AT NO.28/7, SREE LAXMI NILAYA
OLD MUTTON STALL STREET
DODDAMANVALLI
BENGALURU - 560 004.

...PETITIONER

(BY SRI BHARATHI M, ADV.)

AND:

SRI M CHANDRU
PROPRIETOR OF C S R SECURITY
SERVICE, C/O G. BABU
SRI VENKATESH NILAYA
NO.78, 3RD CROSS
UDUPI ICE CREAM ROAD
BEERESHWAR NAGAR
CHUNCHANAGHATTA MAIN ROAD
BENGLAURU - 560 062
AND ALSO AT M. CHANDRU
C S R SECURI SERVICES
BRINDAVAN APARTMENT
BULL TEMPLE ROAD
BASAVANAGUDI
BENGLURU - 560 019.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE
THE ORDER DATED 28.09.2022 PASSED BY THE LEARNED XIX
ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU
DISMISSING THE C.C.NO.20184/2018 AT ANNEXURE A AND DIRECT

Digitally signed
by NANDINI M
S
Location: HIGH
COURT OF
KARNATAKA





CNR: KAHC010016212023

NC: 2026:KHC:48452
CRL.P No. 333 of 2023

THE COURT TO PROCEED WITH THE CASE IN ACCORDANCE WITH LAW.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Section 482 of Cr.P.C, is filed by the complainant with a prayer to set aside the order dated 28.09.2022 passed by the Court of XIX Addl. Chief Metropolitan Magistrate, Bengaluru in C.C.No.20184 of 2018 vide Annexure-A.

2. Heard the learned counsel for the petitioner. Respondent, who is served in the matter has remained unrepresented before this Court.

3. Perusal of the material on record would go to show that, the petitioner had filed a private complaint against the respondent herein before the jurisdictional Court of Magistrate under Section 200 of Cr.P.C, for the offence punishable under Section 138 of Negotiable Instruments Act, 1881. The learned Magistrate after taking cognizance of the alleged offence had



CNR: KAHC010016212023

**NC: 2026:KHC:48452
CRL.P No. 333 of 2023**

issued summons to the accused / respondent. On the ground that there was no representation on behalf of the petitioner / complainant and steps were not taken for issuing summons to the respondent / accused on 28.09.2022, complaint was dismissed for default by the learned Magistrate. Assailing the said order, the complainant is before this Court.

4. Perusal of the material on record would go to show that, learned Magistrate had taken cognizance of the offence punishable under Section 138 of N.I. Act and had issued summons to the accused / respondent vide order dated 16.11.2018. The order sheet of the Trial Court in C.C.No.20184 of 2018 would go to show that, though steps were taken periodically on behalf of the complainant, summons could not be served on the respondent / accused and in the meanwhile, in view of COVID-19 outbreak, the case was being adjourned before the Court. However, vide the order impugned dated 28.09.2022, for the reason that there was no representation on behalf of the petitioner / complainant and steps were not taken for issuing summons to the respondent, the learned Magistrate had dismissed the complaint for default. In my considered



CNR: KAHC010016212023

NC: 2026:KHC:48452
CRL.P No. 333 of 2023

opinion since the order sheet of the Trial Court would reflect that the complainant had earlier taken necessary steps for issuing summons to the accused, if an opportunity to prosecute the complaint on merits, is given to the complainant, the same would serve the ends of justice. Under the circumstances, the following:-

ORDER

- i. Criminal petition is allowed.
- ii. The impugned order dated 28.09.2022 passed by the Court of XIX Addl. Chief Metropolitan Magistrate, Bengaluru in C.C.No.20184 of 2018 is set aside and the complaint is restored to file.
- iii. Learned Magistrate is directed to proceed further in the case, in accordance with law.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**