



CNR: KAHC010055372025

NC: 2026:KHC:54745
CRL.P No. 1243 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 1243 OF 2025

BETWEEN:

SMT. RARLIN MAG A.R,
W/O. VISHWANATH,
AGED ABOUT 38 YEARS,
R/A. NO.99, 5TH CROSS,
WILLIAM'S TOWN, BENGALURU - 560 046.

...PETITIONER

(BY SRI V B SIDDARAMAIAH, ADVOCATE)

AND:

SMT. JANAKI,
W/O. SRI. S.MURUGAN,
AGED ABOUT 52 YEARS,
R/A. NO.61, 8TH CROSS,
VADDARAPALYA, KAVERI NAGAR,
HORAMAVU AGARA, BENGALURU - 560 043.

...RESPONDENT

(BY SRI S.MANOJ KUMAR AND SRI ANIL REDDY .S, ADVOCATES)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS)
PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
CC.NO.33711/2023, REGISTERED FOR THE ALLEGED OFFENCE P/U/S
138 OF NI ACT, PENDING ON THE FILE OF THE XVIII ACMM,
BENGALURU, REGISTERED AS PER THE COMPLAINT OF THE
RESPONDENT DATED 06.11.2023 IN PCR.NO.11823/2023.

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

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SURAJ GOVINDA RAJ
07/10/2026, 19:35, Bengaluru
Verified





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CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;
 - a. *Quash the entire proceedings in CC No.33711/2023, registered for the alleged offence U/Sec 138 of NI Act, pending on the file of the XVIII Addl. CMM, at Bengaluru, registered as per the complaint of the Respondent dated: 06.11.2023, in PCR No.11823/2023.*
 - b. *Pass any other order or orders, which this Hon'ble Court deems it just and necessary in facts and circumstances of the present case, in the interest of Justice and equity.*
2. The respondent has filed a complaint under Section 200 of the Cr.P.C. read with Section 138 of the Negotiable Instruments Act. Cognisance has been taken, and notice has been ordered to the petitioner. It is in the said background that the petitioner is before this Court seeking the aforesaid reliefs.
3. The submission of Sri. V.B. Siddaramaiah, learned counsel for the petitioner, is that:
 - 3.1. There is no legally enforceable debt owed by the petitioner to the respondent. The cheques issued by the petitioner in favour of the respondent were in connection with a

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transaction between the respondent and one Mr. Ashok, in respect of which PCR No.11174 of 2023 had been filed and the same is now pending in C.C. No.32148 of 2023.

- 3.2. His submission is that Mr. Ashok was liable to pay a sum of Rs.12,00,000/- to the respondent. When an enquiry was conducted by the jurisdictional police in that regard, the petitioner had handed over three cheques bearing Nos.017068, 017069 and 017070 to the respondent.
- 3.3. It is contended that the present proceedings arise out of dishonour of the said cheques and that the cheques having been issued by the petitioner as security on behalf of Mr. Ashok, there was no debt or other legally enforceable liability owed by the petitioner to the respondent so as to attract Section 138 of the Negotiable Instruments Act.
- 3.4. On the above grounds, he submits that the petition is required to be allowed.
4. Per contra, Sri. S. Manoj Kumar, learned counsel for the respondent, would contend that:

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- 4.1. There are two distinct transactions. The transaction with Mr. Ashok was for a sum of Rs.12,00,000/-. There was a separate transaction involving the petitioner and Mr. Arun Leo for a sum of Rs.8,50,000/-. It is towards repayment of the said amount that the aforesaid cheque Nos.017068, 017069 and 017070 were issued, as is evident from the statement given by the petitioner before the jurisdictional police on 02.02.2023.
- 4.2. He therefore submits that the two transactions are distinct and that an attempt is being made to confuse and conflate them. According to him, there is a debt due and legally enforceable against the petitioner, which is evident from the material placed on record.
- 4.3. On the said ground, he submits that the petition is liable to be dismissed.
5. Heard Sri. V.B. Siddaramaiah, learned counsel for the petitioner and Sri. S. Manoj Kumar, learned counsel for the respondent. Perused the papers on record.
6. The jurisdiction under Section 482 of the Cr.P.C., now corresponding to Section 528 of the BNSS, is

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required to be exercised sparingly and with circumspection. The petitioner seeks quashing of the proceedings essentially on the ground that there was no debt or legally enforceable liability underlying the cheques in question.

7. In the present case, the dispute between the petitioner and the respondent is essentially as to whether there was a debt or legally enforceable liability payable by the petitioner to the respondent. While the respondent contends that such liability existed, the petitioner disputes the same and contends that the cheques were issued only as security in respect of the transaction between the respondent and Mr. Ashok.
8. However, there is no dispute that the cheques in question were issued by the petitioner from his account and that the said cheques came to be dishonoured for insufficiency of funds. The contention of the petitioner that the cheques were issued only as security and that there was no legally enforceable debt or liability is a matter which would require appreciation of the factual and documentary evidence.

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9. Such disputed questions of fact cannot ordinarily be adjudicated upon in exercise of the jurisdiction under Section 528 of the BNSS. The contentions urged by the petitioner constitute matters of defence which can appropriately be urged and considered before the learned Trial Court in accordance with law.
10. In the circumstances, it cannot be held, at this stage, that ex facie there was no debt or legally enforceable liability or that the essential ingredients of Section 138 of the Negotiable Instruments Act are wholly absent. Consequently, no ground is made out for exercise of the inherent jurisdiction of this Court to quash the proceedings.
11. In that view of the matter, this Court passed the following;

ORDER

- i. Criminal petition is ***dismissed***.
- ii. Liberty is reserved to the petitioner to agitate and raise any defences available to the petitioner before the trial Court.

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- iii. In view of dismissal of the main petition,
pending IA's does not survive for consideration.
Hence, IA stands dismissed.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 13