



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.4106 OF 2025 (GM-RES)

BETWEEN:

H.D. VARADARAJU,
S/O DODDANNA,
AGED ABOUT 63 YEARS,
R/AT NO.33, 9TH MAIN,
9TH CROSS, MARUTHI LAYOUT,
HENNUR, BENGALURU – 560 043

...PETITIONER

(BY SRI. N. KRISHNAMURTHY, ADVOCATE)

AND:

SADASHIVA
S/O LATE PAPANNA,
AGED ABOUT 61 YEARS,
R/AT NO.7, 1ST FLOOR, 9TH CROSS,
HENNUR, RING ROAD,
OPP. POLYVESTA POLYCLINIC,
BENGALURU – 560 043,

...RESPONDENT

(BY SRI. ANANDA S., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA R/W SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 PRAYING TO QUASH IMPUGNED ORDER DATED 17.12.2024 PASSED IN CC.NO.56320 OF 2019 ON THE FILE OF XXXIV ACMM, MAYOHALL UNIT, BENGALURU VIDE ANNEXURE-A.

THIS PETITION, COMING ON FOR *FURTHER HEARING*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

(i) *Issue a writ of certiorari quashing impugned order dated 17.12.2024 passed in C.C.No.56320/2019 on the file of XXXIV ACMM, Mayohall Unit, Bengaluru vide Annexure – A.*

(ii) *Issue any other writ or order or direction that deems fit to grant in the circumstances of the case in the interest of justice and equity.*

2. Heard learned counsel for the petitioner and learned counsel for the respondent and perused the material on record.

3. On 14.02.2025, this Court passed the following interim order:

Heard.

Issue emergent notice to respondent returnable by 20.03.2025.

In the meanwhile, all further proceedings pursuant to the impugned order dated 17.12.2024 in C.C.No.56320/2019 pending on the file of the XXXIV ACMM, Mayohall Unit, Bengaluru, insofar as the petitioner is concerned, are hereby stayed till the next date of hearing subject to deposit of Rs.5 lakh before this Court on or before 19.03.2025.

Liberty is reserved in favour of respondent to seek vacation / modification of this order.



4. On 04.07.2025, this Court passed the following interim order:

Learned counsel for the petitioner submits that the petitioner has deposited a sum of Rs.5,00,000/- on 19.03.2025 and that the petitioner has no objection for the respondent to withdraw the same. Learned counsel for the petitioner submits that the balance would be paid by the petitioner to the respondent on or before the next date of hearing. The said submissions are placed on record.

Registry is directed to release the aforesaid amount of Rs.5,00,000/- to the respondent immediately without any delay.

Re-list on 11.08.2025 at 2.30 p.m for further hearing.

Interim order granted earlier is extended till the next date of hearing.

5. On 21.07.2025, this Court passed the following interim order:

'ORAL ORDER ON 'BEING SPOKEN TO'

On 04.07.2025, this Court passed the following order:

"Learned counsel for the petitioner submits that the petitioner has deposited a sum of Rs.5,00,000/- on 19.03.2025 and that the petitioner has no objection for the respondent to withdraw the same. Learned counsel for the petitioner submits that the balance would be paid by the petitioner to the respondent on or before the next date of hearing. The said submissions are placed on record.



Registry is directed to release the aforesaid amount of Rs.5,00,000/- to the respondent immediately without any delay.

Re-list on 11.08.2025 at 2.30 p.m for further hearing.

Interim order granted earlier is extended till the next date of hearing."

Registry to revalidate the Demand Draft for a sum of Rs.5,00,000/- as indicated in the aforesaid order and disburse/ released the amount in favour of the respondent by tomorrow i.e. 22.07.2025.

Re-list this matter on 11.08.2025 under the caption 'Orders'.

Interim order granted earlier is extended till the next date of hearing.

6. On 16.02.2026, this Court passed the following interim order:

Learned counsel for the petitioner has handed over a cheque bearing No.000141 dated 17.02.2026 drawn on Karur Vysya Bank, Koramangala Branch to the respondent today i.e., on 16.02.2026.

Re-list on 09.03.2026 at 2.30 p.m.

Interim order granted earlier is extended till the next date of hearing.

7. On 12.03.2026, this Court passed the following interim order:

Learned counsel for the petitioner has handed over a cheque bearing No.000145 dated 13.03.2026 drawn on Karur Vysya Bank for a sum of Rs.1,00,000/- in favour of the respondent



to learned counsel for the respondent, who acknowledges the same.

Re-list on 09.04.2026 at 02.30 P.M. so as to enable the petitioner to pay the balance amount.

Interim order granted earlier is extended till the next date of hearing.

8. On 09.04.2026, this Court passed the following interim order:

Learned counsel for the petitioner has handed over Cheques bearing No.000148 dated 10.04.2026 for a sum of Rs.1,00,000 and bearing No.000149 dated 28.04.2026 for a sum of Rs.1,17,000/- to the respondent, who acknowledges the receipt of the same. A memo enclosing copy of the aforesaid Cheques is filed before this Court and the same is taken on record.

Re-list on 29.04.2026 at 02.30 P.M.

9. As could be seen from the aforesaid interim orders, the entire amount payable by the petitioner to the respondent has been paid by the petitioner to the respondent and consequently, the impugned proceedings deserves to be quashed.

10. In the result, I pass the following:

ORDER

(i) The petition is hereby ***allowed***.



**NC: 2026:KHC:24321
WP No. 4106 of 2025**

(ii) The impugned proceedings in C.C.No.56320/2019 pending on the file of the XXXIV Addl. Chief Metropolitan Magistrate, Mayohall Unit, Bengaluru, are hereby quashed.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

SRL
List No.: 2 SI No.: 5