



CNR: KAHC010088452020

NC: 2026:KHC:41772
CRL.P No. 6314 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 6314 OF 2020

(482(Cr.PC) / 528(BNSS))

BETWEEN:

C G ANAND
SON OF LATE C A GOPINATH
AGED 53 YEARS,
RESIDING AT NO.1765,
JUDICIAL LAYOUT,
BANGALORE-560065.

...PETITIONER

(BY SRI RAKSHITH .R., ADVOCATE)

AND:

1. SUREKHA E
WIFE OF R KESHAVA REDDY
AGED 49 YEARS
REP BY POWER OF ATTORNEY HOLDER
MR. KESHAVA REDDY
AGED ABOUT 52 YEARS
RESIDING AT NO.1184,
22ND B MAIN, 11TH CROSS,
1ST SECTOR, HSR LAYOUT,
BENGALURU-562102.

...RESPONDENT

(RESPONDENT SERVED)

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE COMPLAINT FILED BY THE RESPONDENT BEARING AS C.C.NO.5020/2019 AS AGAINST THE PETITIONER AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 28.02.2019 passed by XIX Addl. Chief Metropolitan Magistrate, Bangalore in C.C.No.5020/2019 arising out of PCR no.16100/2018 for offence punishable under Section 138 of Negotiable Instruments Act, 1881 (**NI Act**) and for quashing of said proceedings, this petition is filed.

2. Sri Rakshith.R, learned counsel for petitioner submits that petitioner was arraigned as accused no.4 in PCR no.16100/2018 filed by respondent alleging that accused no.1 was a Private Limited Company of which accused no.2 was Director and accused no.3 to 5 were Additional Directors. It was stated that complainant was induced by accused claiming that if she were to invest in a chit fund scheme, she would



stand to gain and based on such inducement, complainant had subscribed to Chit with no.4BP/ST/18. In terms of scheme, complainant had made payments from time to time and as she was in need of money had bid in monthly auction and auction was successful and required to be paid Rs.8,80,800/-. For payment of amount, accused had collected several cheques from complainant as security and thereafter, issued two cheques, one for Rs.4,00,000/- bearing no.2489 dated 06.10.2018 and another cheque bearing no.2490 dated 08.10.2018 for Rs.4,80,800/- drawn on Karur Vysya Bank. Complainant further stated that when cheque no.2489 was presented for collection, it returned dishonored with endorsement 'funds insufficient' on 08.10.2018. Though, complainant had got issued statutory notice, despite receipt, accused had failed to make payment and thereby committed offence under Section 138 of NI Act. It was submitted that on receipt of said complaint, learned Magistrate had in lieu of sworn statement received affidavit and supporting documents and passed order for issuance of process to accused. Aggrieved thereby, this petition was filed.



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3. It was submitted that in respect of other cheque, separate complaint was filed. Referring to copy of cheque no.2489 marked as Ex.P1 and produced herein along with a memo dated 07.08.2026 and it was submitted that petitioner-accused no.4 herein was not signatory as he was Additional Director and was not in charge of company or managing affairs of company. It was submitted that in complaint omnibus and vague assertion that accused no.2 to 5 were jointly and severally responsible for action of accused no.1 - Company, same would not meet requirements in law.

4. It was submitted that Hon'ble Supreme Court in case of ***Susela Padmavathy Amma v. M/s.Bharti Airtel Limited***, reported in ***(2024) 12 SCC 131*** and in ***Sri Hitesh Verma v. M/s.Health Care At Home India Private Limited and Others***, reported in ***(2025) 7 SCC 623***, had held that it was mandatory on part of complainant in case of proceeding under Section 138 of NI Act, would specifically aver about role and responsibility of a Director and to proceed only against signatory of cheque. Since petitioner was not a signatory to cheque nor in-charge of affairs of company, initiation of



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proceedings against petitioner was illegal and without verification of same, order for issuance of process was passed. Same would liable to be quashed on ground of non-application of mind and prays for allowing petition.

5. Respondent is served and unrepresented.

6. It is seen that there are specific grounds urged as above in petition. Failure of respondent to appear and contest petition would amount to acquiescence. Further taking note of fact that petitioner is not a signatory to cheque and on perusal of copy produced herein as well as complaint averments and finding that there is no specific assertion that petitioner (accused no.4) was in-charge and managing affairs of company, initiation of proceedings against petitioner, will be contrary to ratio laid down by Hon'ble Supreme Court in ***Susela Padamavathy Amma's*** case (***supra***).

7. Consequently, petition succeeds, proceedings in C.C.no.5020/2019 arising out of PCR no.16100/2018, dated 28.02.2019 passed by XIX Addl. Chief Metropolitan Magistrate,



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Bangalore, for offence punishable under Section 138 of NI Act,
stands quashed.

Sd/-
(RAVI V HOSMANI)
JUDGE

KLY
List No.: 1 Sl No.: 2