



CNR: KAHC010096082024

NC: 2026:KHC:48829
CRL.P No. 1651 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1651 OF 2024

BETWEEN:

SRI. ANKITH P. JOSHI
AGED ABOUT 33 YEARS,
S/O. SRI. PRADEEP JOSHI,
RESIDENT OF #359/1,
PARTHASARATHI NAGARA,
DASANAKOPPAL GATE,
BOGADI POST, MYSURU,
KARNATAKA-570 026.

...PETITIONER

(BY SRI. MILASH ARROL NORONHA, ADVOCATE)

AND:

SRI. ANANTHARAJU. H. B.
S/O. SRI. H. M. BASAVIAIAH,
AGED ABOUT 67 YEARS,
RESIDING AT #HIRISAVE VILLAGE,
HIRISAVE HOBLI,
CHANNARAYAPATNA,
HASSAN DISTRICT,
KARNATAKA-573 124.

...RESPONDENT

(BY SRI. GIREESHA J.T, ADVOCATE)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE PROCEEDINGS IN C.C.NO.782/2019 PENDING
ADJUDICATION ON THE FILE OF THE LEARNED III ADDITIONAL
CIVIL JUDGE AND JMFC CHANNARAYAPATNA AGAINST THE

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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PETITIONER HEREIN FOR THE OFFENCE P/U/S 138 OF NI ACT 1881.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings against the petitioner in C.C.No.782/2019, arising out of PCR No.325/2019, for the offence punishable under Section 138 of Negotiable Instruments Act (for short, "the N.I. Act").

2. The brief facts of the case are that the respondent filed a private complaint against the petitioner under Section 200 of Cr.P.C. for the offences punishable under Sections 138 and 142 of N.I. Act, alleging that in the year 2019, the petitioner approached the respondent-complainant for a hand loan of Rs.4,50,000/- and accordingly, the complainant advanced the hand loan on 29.03.2019. For repayment of the same, the accused issued a cheque bearing No.394296 dated 03.05.2019. The said cheque was presented by the respondent for encashment through his banker and the same was returned



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with an endorsement "Funds Insufficient" dated 07.05.2019. As such, on 03.06.2019, the respondent issued a legal notice to the petitioner. The said notice was not served to the petitioner and returned to the respondent on 10.06.2019. As such, the respondent filed the private complaint under Section 200 of Cr.P.C against the petitioner. The learned Magistrate took cognizance of the case. Aggrieved by the same, the petitioner filed this petition at the stage of recording statement of the petitioner under Section 313 of Cr.P.C.

3. The sole contention raised by learned counsel for the petitioner is that the cheque in question-Ex.P1 marked before the Trial Court is issued in the name of "For Time to Travel" and the petitioner was the authorized signatory of the said firm. As such, without arraying the firm as a party, the proceedings cannot be continued against the petitioner alone. Accordingly, he prays to allow the petition.

4. *Per contra*, learned counsel for the respondent-complainant submits that the cheque in question was issued by the petitioner in his individual capacity and not on behalf of the



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CRL.P No. 1651 of 2024

firm. He also contended that the proceedings before the Trial Court has attained almost finality and the matter is posted for the evidence of the accused. In such circumstances, in order to stall the proceedings, the petitioner has filed this petition. Hence, he prays to dismiss the petition.

5. I have given my anxious consideration to the submissions made by learned counsel for the respective parties and perused the documents available on record.

6. As could be gathered from the private complaint, the cheque in question was issued by the petitioner in the capacity of authorized signatory of the firm namely "For Time to Travel". It is also stated in the legal notice dated 03.06.2019 and in the private complaint that the complainant is owing a sum from the company called "For Time to Travel". Admittedly, the said company is not arrayed as a party. This position of law is settled by the Hon'ble Apex Court in the case of **ANITA HADA VS. GODFATHER TRAVELS & TOURS PVT. LTD. - (2012) 5 SCC 661** and subsequent judgments of the Apex Court. As such, placing reliance on the findings of the Hon'ble Apex Court in the aforesaid judgment, I am of the considered view that the



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CRL.P No. 1651 of 2024

proceedings cannot be continued against the petitioner without arraying the company as a party. Accordingly, I pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused in C.C.No.782/2019 pending on the file of learned III Addl. civil Judge & JMFC., Channarayapatna is quashed.
- iii. The respondent/complainant is at liberty to initiate proceedings afresh by arraying the company as a party.

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 54