



NC: 2026:KHC:32685
CRL.P No. 4566 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.4566 OF 2021

BETWEEN:

SRI. VIJAY NAIDU
S/O RAJENDRA BABU,
AGED ABOUT 60 YEARS,
VIJAYANATH GARDENIA APARTMENT,
PLOT NO.A 201, 3RD FLOOR,
HOSAPALYA MAIN ROAD,
HSR LAYOUT, 2ND SECTOR,
BANGALORE - 560 068

...PETITIONER

(BY SRI. ASHUTOSH MUSHRA, ADVOCATE FOR
SRI. VISHNU HEGDE, ADVOCATE)

AND:

SMT. V VIJAYALAKSHMI
W/O SRI. RAGAVENDRA PRASAD,
AGED ABOUT 63 YEARS,
CHAIRPERSON,
CHETANA EDUCATIONAL TRUST,
HADADI ROAD, NH-4,
BY PASS ROAD,
DAVANAGERE.

ALSO AVAILABLE AT BANGALORE

SMT. V. VIJAYALAKSHMI,
M/S.CHETANA E TECHNO SCHOOL,
DHANALAKSHMI LAYOUT,
VIRUPAKSHAPURA,
THINDLU MAIN ROAD,
KODGEHALLI MAIN ROAD,

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



VIDYARANYAPURA,
BANGALORE - 97

...RESPONDENT

(BY SRI. HARISH KUMAR M.S., ADVOCATE - ABSENT)

THIS CRL.P IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH/SET ASIDE THE IMPUGNED ENTIRE PROCEEDINGS IN C.C.NO.129/2021 (PCR NO.186/2020) PASSED BY THE J.M.F.C.-I COURT, DAVANAGERE ORDER SHEET I.E. ANNEXURE-A AND GRANT SUCH ANY SUCH OTHER RELIEF PLEADED IN THE PETITION AS THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging entire proceedings in CC no.129/2021 arising out of PCR no.186/2020 on file of JMFC-1 Court, Davanagere, this petition is filed.

2. Sri Ashutosh Mishra, learned counsel appearing for Sri Vishnu Hegde, advocate for petitioner submitted that respondent had filed a private complaint in PCR no.186/2020 arraigning petitioner for offence punishable under Section 138 of Negotiable Instruments Act, 1881 (**NI Act**). In complaint, it was stated that cheque no.000031 dated 15.10.2020 drawn



on HDFC Bank, Bangalore branch, Bangalore for Rs.25 Lakhs allegedly issued by petitioner, when presented for collection has returned dishonored and petitioner had failed to pay amount even after lapse of time after issuance of statutory notice. It was submitted, there was no legally enforceable debt requiring issuance of cheque and said cheque was in fact obtained by coercion.

3. It was submitted, a complaint was filed as early as on 21.11.2019 with Bandepalya Police Station, Bengaluru by petitioner's wife alleging that at 06:30 pm on 20.11.2019, when her husband parked his car, she was informed by security that two unidentified persons had taken her husband out of gate. After waiting till 12:00 pm and unable to contact him over phone, she got a call back stating that he would return in one hour. When he did not return, she had filed a missing complaint. It was submitted, said complaint would render credence to petitioner's contention that respondent-complainant had obtained cheque during period of abduction by coercion without there being any legally enforceable debt and therefore, proceedings were liable to be questioned on said



basis. It was submitted, continuation of proceedings would amount to abuse of process and sought for allowing petition.

4. None appears for respondent. Heard learned counsel and perused material on record.

5. This petition is by accused challenging entire proceedings arising out of private complaint filed by respondent-complainant alleging offence punishable under Section 138 of NI Act. Perusal of private complaint at Annexure-B would indeed indicate that complainant has alleged that cheque no.000031 dated 15.10.2020 issued by petitioner for Rs.25 Lakhs drawn on HDFC Bank, Bangalore, was alleged to be returned dishonored on 17.10.2020 and petitioner having failed to repay amount even after receipt of statutory notice dated 20.10.2020. Though complaint filed by petitioner's wife is prior to date of cheque, date of its dishonour, etc., complaint does not mention about cheque having been collected during period of abduction or under coercion. On other hand, private complaint would disclose reason for dishonour as 'insufficiency of funds' and not 'stop payment'.



6. Be that as it may, mere allegation that cheque was collected during period of abduction or coercion would be defence available to petitioner to substantiate during trial/investigation and would not be good ground for quashing of complaint/proceedings.

7. In view of above, reserving liberty to petitioner to urge all contentions before trial Court at appropriate proceedings, petition stands ***dismissed***.

In view of dismissal of petition, I.A.no.1/2022 is also *dismissed* as unnecessary.

Sd/-
(RAVI V HOSMANI)
JUDGE