



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.6459 OF 2019

BETWEEN:

SRI ARVIND P.,
S/O PRABHAKAR,
R/A NO.328, 9TH MAIN,
C-CROSS, 1ST STAGE, J.P.NAGAR,
MYSURU - 570 008.

...PETITIONER

(BY SRI T PRAKASH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HANUMANTH NAGAR P.S.,
BENGALURU.
REP BY PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. SMT V BHAVANI
D/O S.VIJAYAKUMAR,
AGED ABOUT 35 YEARS,
R/A NO.908, 7TH MAIN, 2ND CROSS,
R.V.BLOCK, SRINAGARA,
BENGALURU - 560 050.

...RESPONDENTS

[BY SRI M.R.PATIL, HCGP FOR R1;
SMT. BRINDA A.S., ADVOCATE FOR R2 (AB)]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE FIR VIDE ANNEXURE-A REGISTERED IN
PURSUANCE OF THE PRIVATE COMPLAINT, IN CR.NO.161/2019

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



OF HANUMANTHA NAGAR P.S., FOR THE ALLEGED OFFENCE P/U/S 420 OF IPC PENDING ON THE FILE OF THE 24TH A.C.M.M., AT BENGALURU, IN SO FAR AS THIS PETITIONER IS CONCERNED.

THIS PETITION, COMING ON FOR HEARING ON I.A., THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR in Crime no.161/2019 in pursuance of order passed by learned Magistrate in PCR no.9928/2019, this petition is filed.

2. Sri T. Prakash, learned counsel for petitioner (accused) submitted that on 23.10.2018 a private complaint in PCR no.13645/2018 on file of XVI Addl. Chief Judicial Magistrate, Bengaluru was filed against petitioner for offence punishable under Section 138 of Negotiable Instruments Act, 1881 ('**NI Act**'). Same was registered as CC no.802/2019. On very same allegations, another private complaint was filed in PCR no.9928/2019 before XXIV Addl. Chief Metropolitan Magistrate, Bengaluru, alleging commission of offence punishable under Section 420 of Indian Penal Code, 1860



('IPC') against petitioner and for referring matter for investigation etc. It was submitted, contents of both private complaints were verbatim.

3. It was submitted, there were no averments of complainant having approached jurisdictional police, about failure or refusal to register complaint or about approaching higher officials before resorting to filing of private complaint. It was secondly submitted, there were no assertion about ingredients constituting offence alleged. Only material averment was in paragraph-8 was that accused knowing fully well had issued cheque and failed to honour same, which would be insufficient and sought for quashing of proceedings. Apart from above, learned counsel produced along with memo judgment on other private complaint which came to be dismissed with a finding that complainant failed to prove issuance of cheque by accused. Even on this account, offence under Section 420 of IPC would be untenable.

4. Sri M.R. Patil, learned HCGP for respondent no.1 on other hand opposed petition. It was submitted that matter was



at stage of investigation and filing of petition for quashing at this stage would not be justified.

5. There is no appearance on behalf of respondent no.2 - complainant.

6. Since matter is of year 2019, it is taken up for disposal.

7. Heard learned counsel, perused order and material available on record.

8. At outset, requirement of law is that in order to set criminal law in motion for particular offence, complaint would require to contain essential ingredients of offence alleged. Essential ingredients of offence punishable under Section 420 of IPC would be dishonest inducement to deliver property. Paragraph-8 of complaint reads as follows.

"8. The Complainant submits that, knowing full well the accused got issued above said cheque in favour of the complainant towards the payment and failed to honour the same twice and thus committed offence under section 420 of Indian Penal Code, 1860."



9. Neither above paragraph nor entire complaint would contain allegation that with dishonest intention or with intent to cheat complainant, accused had obtained cheque or induced complainant to part with property. That apart there is also no assertion about complainant having approached jurisdictional police, higher authorities and about their refusal to register complaint before filing private complaint. On both grounds, petition would succeed.

10. Hence, petition is ***allowed***, proceedings in Crime no.161/2019 registered by Hanumanthanagar Police Station are ***quashed***. In view of above, pending IAs stands dismissed as unnecessary.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD
List No.: 1 Sl No.: 7