



CNR: KAHC010257332019

NC: 2026:KHC:54633  
CRL.P No. 6305 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.6305 OF 2019

BETWEEN:

TAURIAN  
A ENTERTAINMENT COMPNAY  
AT NO.127, 2<sup>ND</sup> FLOOR  
10<sup>TH</sup> CROSS, MARGOSA ROAD  
MALLESHWARAM  
BANGALORE - 560 003

REP. BY ITS CHIEF EXECUTIVE & PROPRIETOR  
V K LOKESH

...PETITIONER

(BY SRI NAGARAJA S, ADVOCATE)

AND:

LNS GIFTS & TROPHIES  
A PARTNERSHIP FIRM  
AT NO.127, GROUND FLOOR  
10<sup>TH</sup> CROSS, MARGOSA ROAD  
MALLESHWARAM  
BANGALORE - 560 003

REP. BY ITS PARTNER  
ADITHYA MADISETTY  
& VISHWAS MADISETTY  
S/O LAKSHMINARAYANA SETTEE  
BANGALORE

...RESPONDENT

(SRI ADITHYA MADISETTY, PARTY IN PERSON [ABSENT])

Digitally signed  
by DEVIKA M  
Location: HIGH  
COURT OF  
KARNATAKA



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THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.26578/2016 PENDING BEFORE THE LVI ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU FOR THE OFFENCE P/U/S.420 OF IPC AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

**ORAL ORDER**

This petition is filed praying this Court to quash the entire proceedings in C.C.No.26578/2016 pending on the file of LVI ACMM Court, Bengaluru for the offence punishable under Section 420 of IPC.

2. Heard the learned counsel appearing for the petitioner. Though this Court telephonically informed the respondent who appears in person, is absent.

3. The prayer sought in this petition to quash the entire proceedings in C.C.No.26578/2016 initiated against the petitioner by filing a private complaint and Trial Court



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proceeded to take the cognizance and recorded the sworn statement and issued the process for the offence under Section 420 of IPC.

4. The counsel for the petitioner submits that the petitioner has not committed any offence as alleged in the complaint. The counsel also brought to notice of this Court the private complaint wherein it is categorically stated that accused had approached the complainant, requesting him to provide 29 numbers of personalized trophies. After extensive rounds of enquiries and discussions and negotiations, finally placed the orders for 29 numbers of personalized trophies. The order was finalized as per the final design approved by the accused by signing on the computer generated printout on 15.07.2015 on a per piece cost of Rs.790/-. As per the approval given by the accused based on the signing on the computer printout, complainant proceeded and completed the order of personalised order in compliance with the specifications and handed over the trophies to the complainant on 31.07.2015. The accused has accepted the



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trophies from the complainant without making the payment of the costs towards the customised trophies. As per the terms of the invoice and order form, the cost is Rs.26,232/-. The accused has paid only part amount in a sum of Rs.4,500/-. The accused has taken the trophies in two installments i.e., 26 numbers and 3 numbers, totaling 29 numbers. As against the payment of Rs.26,232/-, the accused was required to pay 50% of the total amount apart from the applicable VAT to the transaction. The accused promised to pay the remaining part of the amount out of the 50% of the cost of the trophies within a short period, but failed to pay the amount. Even the Chief Executive of the company was always directly interacting from the stage of negotiations to the stage of receiving the customized trophies but inspite of SMS and WhatsApp, he did not come forward to make the payment. However, the allegation made in paragraph 9 of the complaint that the accused, with a dishonest intention of cheating and to defraud the complainant, taken the deliveries of the trophies but failed to make the payment and the very transaction itself is with an



intention to cheat and there is a ingredient of offence of cheating at the inception. Hence, complainant is filed. Based on the private complaint, Trial Court has registered the case and proceeded and issued the summons.

5. The counsel would vehemently contend that the cause of action is with the dishonest motive to defraud the complainant and made the false allegation of deficiency of service and also case was registered in C.C.No.28/2016. Trial Court accepted the averments made in the complaint and committed an error. The counsel would submit that it is very clear that there was a transaction between the complainant and accused, placing of orders and delivery of trophies, but made the part payment. If there is any deficit payment, it is a civil dispute and the same ought to have recovered. Instead of recovering the same, given the criminal colour to the civil dispute. The Trial Court also fails to consider the said fact and proceeded to take the cognizance. hence, it requires interference of this Court.



6. The counsel appearing for the petitioner submits that he has approached the District Consumer Forum with regard to the deficiency of service in delivering the trophies and though it was rejected but an appeal was filed and appeal was allowed and directed the respondent-complainant to replace the articles within 3 months from the date of receipt of the order or to pay an amount of Rs.50,000/-. This order was passed on 12.06.2019 and produced the same at Annexure-A. The complaint was filed prior to that i.e., on 20.07.2016.

7. Having considered the averments made in the complaint, it is very clear that there was non-payment of amount towards the trophies which were supplied and a private complaint was filed. The averment made in the complaint also very clear that in view of non payment of the balance amount, a complaint was filed. But the Trial Court committed an error in entertaining the PCR when the dispute is in respect of the payment of the amount as against the supply of trophies is concerned and committed an error in



taking the cognizance. While taking the cognizance also, the Trial Court has not discussed anything about the sworn statement of complainant and except stating that, perused the materials on record, prima facie material exists against the accused and cognizance was taken. Nothing is discussed with regard to the documents as well as sworn statement. When the Court proceeded to take the cognizance and recorded the sworn statement of the complainant, ought to have applied its judicious mind with regard to the contents of the complaint; also the sworn statement and also the documents which have been placed before the court attracts the offences invoked. But the same is not found in the case on hand. Hence, the Trial Court committed an error in taking of cognizance without any application of judicious mind and mechanically passed the order and fails to take note of it is a dispute regarding recovery of balance amount as against the supply of trophies based on the orders placed by the complainant. Hence, the said order is also not sustainable in the eye of Law.



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8. In view of the discussions made above, I pass the following:

**ORDER**

The petition is allowed.

The proceedings in C.C.No.26578/2016 pending on the file of LVI ACMM Court, Bengaluru for the offence punishable under Section 420 of IPC is hereby quashed.

Sd/-  
**(H.P.SANDESH)**  
**JUDGE**

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