



CNR: KAHC010287922020

NC: 2026:KHC:48365
CRL.P No. 1550 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1550 OF 2021

BETWEEN:

1. JAYARAGHAVENDRA A.C.,
AGED ABOUT 34 YEARS
S/O LATE A.N.CHANDRAPPA
2. SMT. YASHODHA
AGED ABOUT 65 YEARS
W/O LATE A.N.CHANDRAPPA
3. SMT. KAVITHA
AGED ABOUT 45 YEARS
D/O LATE A.N.CHANDRAPPA
4. KUSUMA
AGED ABOUT 41 YEARS

THE PETITIONER NO.2 IS THE WIDOW
AND PETITIONERS NO.1, 3 AND 4 ARE
CHILDREN OF NOW DECEASED
A.N. CHANDRAPPA

ALL THE PETITIONERS ARE
RESIDING AT 'HEMAVATHI NILAYA'
VIVEKANANDANAGAR, CHANNARAYAPATNA,
HASSAN DISTRICT-573116

...PETITIONERS

(BY SRI. SANATHKUMAR SHETTY K., ADVOCATE)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010287922020

NC: 2026:KHC:48365
CRL.P No. 1550 of 2021

AND:

1. G.A. RAVI
S/O ARASEGOWDA,
R/OF NO.681, 12TH MAIN
IV STAGE, T.K.LAYOUT
MYSURU-570 009.
2. STATE OF KARNATAKA
REPRESENTED BY THE
SPECIAL PUBLIC PROSECUTOR

(DELETED VIDE COURT ORDER DATED 11.06.2021)

...RESPONDENT

(BY SRI. H.N.MANJUNATH PRASAD, ADVOCATE FOR R1;
VIDE COURT ORDER DATED 11.06.2021 R2 IS DELETED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ORDER DATED 24.12.2019
TAKING COGNIZANCE OF THE OFFENCES ALLEGED AGAINST
THE PETITIONER AND ALSO ENTIRE PROCEEDINGS IN
C.C.NO.170/2020 ON THE FILE OF CIVIL JUDGE AND J.M.F.C.,
CHENNARAYAPATNA AND ALLOW THIS PETITION WITH COSTS.

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

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



CNR: KAHC010287922020

ORAL ORDER

This matter is listed for admission. I have heard learned counsel for the petitioners and learned counsel for respondent No.1.

2. The prayer sought in this petition filed under Section 482 of Cr.P.C. is to quash the order dated 24.12.2019 taking cognizance of the offences alleged against the petitioners and also the entire proceedings in C.C.No.170/2020 on the file of Civil Judge and JMFC, Channarayapatna.

3. Learned counsel appearing for the petitioners would vehemently contend that very initiation of criminal proceedings against the petitioners is an abuse of process. The counsel would contend that Trial Court committed an error in taking cognizance and failed to take note of the fact that these petitioners have not initiated the proceedings under Section 138 of N.I. Act against the respondent/complainant and the complaint was filed by father and subsequent to death of the father only, these petitioners have been arraigned as the complainants in the place of original complainant and Trial Court committed an error in taking cognizance that accused



NC: 2026:KHC:48365
CRL.P No. 1550 of 2021

Nos.1 to 4 have intentionally maliciously filed false complaint against the complainant for the offence punishable under Section 138 of N.I. Act and Trial Court failed to take note of the said fact. The counsel would further contend that when there are no sufficient grounds and material to take cognizance for the offence punishable under Section 209 read with Section 211 of IPC, the Trial Court ought not to have taken cognizance.

4. Learned counsel appearing for respondent No.1/complainant would submit that Cheque was dated 10.11.2008 and submit that subsequently, divorce was also granted and the proceedings initiated against the complainant/respondent under Section 498-A of IPC and Section 324 of IPC read with Sections 3 and 4 of Dowry Prohibition Act is also adjudicated on merits and the Trial Court declared that he is an innocent. Hence, it attracts Section 209 read with Section 211 of IPC for false implication and he has undergone an agony for a period of 8 years traveling from Kanchipuram, Tamilnadu to Channarayapatna for about 450 kms. and the Trial Court has taken note of the same.



5. Having heard learned counsel for the petitioners and learned counsel appearing for respondent No.1 and also considering contents of the complaint as well as order passed by Trial Court, no doubt, a specific accusation is made in the complaint in P.C.R.No.431/2018 that he has been falsely implicated for the offence punishable under Section 138 of N.I. Act and Trial Court also given the finding on perusal of material available on record that the complainant failed to prove the case against the accused in proceedings initiated under Section 138 of N.I. Act. The counsel appearing for respondent No.1 also brought to notice of this Court the discussion made by the Trial Court in paragraph Nos.20 and 21. Having perused the reasoning in paragraph No.20 that complainant has failed to show that he had sufficient amount to lend the same to the accused and also an observation is made that accused was son-in-law of the complainant. The record also reveals that the marital relationship of the accused and his wife was not cordial and the wife of the accused had even filed complaint against the accused for the offence under Section 498-A of IPC. But, having taken note of the fact that there is no dispute with



NC: 2026:KHC:48365
CRL.P No. 1550 of 2021

regard to signature found in the Cheque, the respondent/complainant also not disputes the same.

6. The Trial Court having considered the material on record comes to the conclusion in paragraph Nos.20 and 21 with regard to the source of income is concerned and also taken note of strained relationship between the husband and wife. The records also reveals that daughter of the complainant had given complaint against the accused for the offence punishable under Section 498-A of IPC and no dispute, the accused is also acquitted for the offence punishable under Section 138 of N.I. Act, divorce was also granted subsequent to the Cheque dated 10.11.2008. Having considered the material on record, when the Cheque was issued on 10.11.2008 and subsequently divorce was granted and acquittal order was also passed and the Trial Court failed to take note of the fact that Cheque bounce case was originally filed by father-in-law of the complainant/respondent.

7. The Trial Court while taking cognizance made an observation having read the contents of the complaint, copy of the complainant and certified copy of the complaint. But,



observation is made that accused Nos.1 to 4 were brought on record after the death of accused Nos.1, 3 and 4 which is found in the order. But, in the operative portion while considering the material on record and while giving reasons, it is stated that on looking into the sworn statement of the complainant and document available on record, prima facie they disclose that accused Nos.1 to 4 have intentionally maliciously filed the false complaint against the complainant for the offence punishable under Section 138 of N.I. Act, wherein the complainant was acquitted and the said observation is erroneous.

8. Having perused the records, it is very clear that only father-in-law of the complainant/respondent had initiated 138 proceedings and subsequently, on his death, they have been brought on record in the place of original complainant and they have not intentionally maliciously filed the complaint as observed by the Trial Court and the same is continuity and the very approach of the Trial Court in taking cognizance is erroneous. The records also reveal that already complainant/respondent is acquitted for the offence punishable under Section 498-A of IPC as well as Section 138 of N.I. Act



NC: 2026:KHC:48365
CRL.P No. 1550 of 2021

CNR: KAHC010287922020

and Section 498-A of IPC proceedings was initiated in 2009, but Cheque is of the year 2008. Hence, the petitioners have made out a ground to invoke Section 482 of Cr.P.C.

Accordingly, the petition is ***allowed.*** The proceedings initiated against the petitioners herein is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 19