



CNR: KAHC010306822019

NC: 2026:KHC:49193
CRL.P No. 7087 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 7087 OF 2019

BETWEEN:

SRI. SURESH G
S/O. SRI. G. GOPALAPPA,
AGED ABOUT 46 YEARS
NO.17, 2ND MAIN, 2ND CROSS,
CHAMUNDESHWARI LAYOUT,
VIDYARANAYAPURA POST,
BANGALORE - 560 097.

...PETITIONER

(BY SRI. RAVI J.S, ADVOCATE)

AND:

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

SRI. M.N. ANANDATHIRTHA RAO
S/O.LATE M.NARAYANA RAO,
AGED ABOUT 62 YEARS
R/AT MANCHENAHALLI
GOWRIBIDANUR TLAUK,
CHIKKABALLAPURA DISTRICT - 561 211.

...RESPONDENT

(BY SRI. Y. HARIPRASAD, ADVOCATE)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ORDER DATED 05.12.2018 IN C.C.NO.32048/2018
VIDE ANNEXURE-A TAKING COGNIZANCE OF THE OFFENCE
FOR THE ACCUSATION OF HAVING COMMITTED OFFENCE



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P/U/S.138 OF NI ACT AND CONSEQUENTLY QUASH THE ENTIRE PROCEEDING IN C.C.NO.32048/2018 ON THE FILE OF THE LEARNED XIX ADDITIONAL CMM, BENGALURU.

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

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

ORAL ORDER

Heard the learned counsel appearing for the petitioner and the respondent.

2. This petition is filed invoking Section 482 of the Code of Criminal Procedure (Cr.P.C.) praying this Court to quash the order dated 05.12.2018 passed in C.C.No.32048/2018, taking cognizance of the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 (for short, "NI Act") and consequently, to quash entire proceedings in C.C.No.32048/2018.

3. The main ground urged in the petition is that there is absolutely no material on record to proceed



against the petitioner and as such, the trial Court has committed an error in taking cognizance of the offence. It is further contended that the cheque in question neither belongs to the petitioner nor was it drawn on the petitioner's bank account. Hence, the prosecution of the petitioner, who is allegedly a third party, is contrary to the requirements of Section 138 of the NI Act. It is also contended that the respondent has initiated the present criminal proceedings by misusing the security cheques and by proceeding against the wrong person. Therefore, the alleged dishonour of the cheque would not attract the provisions of Section 138 of the N.I. Act.

4. Learned counsel appearing for the respondent would contend that the defence urged by the petitioner is a matter for consideration by the Trial Court and the same cannot be adjudicated by this Court while exercising jurisdiction under Section 482 of the Cr.P.C.



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5. Having heard the learned counsel appearing for the petitioner and the respondent, and having considered the grounds urged in the petition, it is not dispute that the trial Court has taken the cognizance of the offence punishable under Section 138 NI Act vide order dated 05.12.2018. Whether the cheque in question was misused, whether the petitioner is a third party, and the cheque was issued only as a security cheque, and whether the proceedings have been initiated against the wrong person are all matters which require consideration by the Trial Court.

6. The grounds urged in the present petition, which the petitioner is at liberty to raise before the Trial Court while contesting the proceedings on merits. Such disputed questions of fact cannot be adjudicated upon by this Court in a petition filed under Section 482 of the Cr.P.C.



7. The issue of questions of fact and questions of law arising for consideration are required to be considered by the trial Court. Hence, I do not find any ground to entertain the present petition seeking to quash the order passed by the trial Court taking cognizance of the offence or to quash the proceedings in C.C.No.32048/2018 insofar as the petitioner is concerned.

8. In view of the discussions made above, this Court passes the following:

ORDER

i. Criminal Petition is ***dismissed***.

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