



CNR: KAHC010313682021

NC: 2026:KHC:39541
WP No. 15748 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

WRIT PETITION NO. 15748 OF 2021 (GM-RES)

BETWEEN:

1 . RAHAMATHULLA
AGED ABOUT 35 YEARS,
S/O SIBGATHULLA
R/A NO.41/1, 6TH CROSS
APPANNA BLOCK
OPP. BOMBAY TAILOR,
R T NAGAR POST
BANGALORE - 560 032.

2 . SRI MAQSOOD
S/O AHMED
AGED ABOUT 40 YEARS
R/A NO.10, 11TH CROSS,
LAKSHMAIAH BLOCK
GANGANAGAR,
BANGALORE - 560 032.

AND ALSO AT
OFFICE AT NO.14/1,
4TH CROSS, 5TH MAIN,
VASANTHAPPA BLOCK
BEHIND KANTI SWEETS
GANGANAGAR
BANGALORE - 560 032.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

...PETITIONERS

[BY SRI HUSSAIN MUEEN FAROOQ, ADVOCATE (PH)]



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AND:

- 1 . THE STATE OF KARANTAKA
BY ITS CHIEF SECRETARY,
DEPARTMENT OF HOME
VIDHANA SOUDHA
DR AMBEDKAR VEEDHI
BENGALURU - 560 001.
- 2 . THE DIRECTOR GENERAL
INSPECTOR OF POLICE
POLICE HEAD QUARTER
NRUPATHUNGA ROAD
BENGALURU - 560 001.
- 3 . THE COMMISSIONER
OF POLICE
NO.1, INFANTRY ROAD,
BENGALURU - 560 001.
- 4 . THE DEPUTY COMMISSIONER
OF POLICE
SRI C V RAMAN ROAD
YASHWANTAPURA
BENGALURU - 560 022.
- 5 . THE STATION HOUSE OFFICER
DINNUR MAIN ROAD,
P AND T COLONY,
R T NAGAR POLICE STATION
BENGALURU - 560 032.
- 6 . KALEEMULLAH KOTI
S/O SABJAAN SAB
AGED ABOUT 44 YEARS,
RESIDING AT
NO.8/B,
1ST FLOOR, 6TH CROSS,
DINNUR MAIN ROAD



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R T NAGAR,
BENGALURU - 560 032.

...RESPONDENTS

[BY SRI JAVEED S., HCGP FOR R1 TO R5 (PH)
SRI V. VENKATARAMANAPPA, ADVOCATE FOR R6 (AB)]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ENTIRE FIR IN CRIME NO.160/2021 REGISTERED ON 10.8.2021 BY THE R-5 POLICE AGAINST THE PETITIONERS/ACCUSED NO.1 AND 2 FOR THE OFFENCES U/S 380, 420, 506 R/W 34 OF INDIAN PENAL CODE 1860, PENDING ON THE FILE OF THE 32ND ADDL. CHIEF METROPOLITAN MAGISTRATE, AT BANGALORE WHICH IS ANNEXURE-A .

THIS PETITION IS COMING ON FOR 'DICTATING ORDERS', 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.160/2021 by RT Nagar Police Station, Bengaluru for offences punishable under Sections 380, 420, 506 read with Section 34 of Indian Penal Code, 1860 (**IPC**) and presently pending on file of XXXII ACMM, Bangalore, this petition is filed.



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2. Sri Hussain Mueen Farooq, learned counsel for petitioner submitted that petitioners were accused no.1 and 2 in complaint filed by respondent no.6 (complainant) alleging that he was running a medical shop by name 'MED HOUSE' at RT Nagar, Bangalore and well acquainted with accused no.1 since seven years. That by regular visits to shop even in absence of complainant, accused no.1 was acquainted with its functioning including about complainant keeping signed blank cheques in shop for making payments to suppliers and distributors etc. Claiming that on 12.06.2020 complainant found three signed blank cheques bearing no.000224, 000246 and 000230 drawn on Karur Vysya Bank (A/c no.1336135000004472) missing, issued stop-payment instructions to Bank. And on 23.06.2020, receiving intimation from Bank about presentation of cheque no.000224 for ₹24,50,000/- by accused no.1 and its dishonour, when unable to contact accused no.1, he filed complaint with RT Nagar Police Station about loss of cheques. Thereafter on 25.06.2020, complainant got issued legal notice demanding return of cheques from accused no.1, But at 12:25 pm on 26.06.2020 he



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received abuses and threats from Mr.Masood (accused no.2) and Mr.Irfan Shaik over phone, in case he did not withdraw his notice. It was stated that complainant had also filed complaint against accused no.1 and 2 on 27.06.2020 about said incident.

3. Complainant further stated that he had earlier invested money in ALFALAH CONSUMER NEEDS (**Firm**) and got good returns and as per wish of accused no.1 introduced him to Proprietor of Firm – Mr.Faizur Rehman Irfan Shaik and his father Mr.Irfan Shaik for investment in it. Complainant stated that accused no.1 invested Rs.2,00,000/- in January 2018 and got good returns. It was stated, though subsequent investments by accused no.1 in Firm were without his knowledge, on failure to get returns, accused no.1 informed about investment of Rs.11,50,000/-, about proprietor of Firm issuing postdated cheques dated 30.01.2019 for Rs.11,50,000/- and Rs.32,500/- dated 25.07.2019 respectively and their dishonour. It was stated that accused no.1 had demanded complainant to settle his dues and towards same stole three signed blank cheques from medical shop, presented one of them for collection and also got issued demand notice



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issued on its dishonour. And on noticing failure by RT Nagar Police to take any effective steps, he filed PCR no.4679/2021. Based on directions issued therein, FIR in Crime no.160/2021 was registered.

4. Assailing same, it was submitted complaint was apparently an afterthought and counterblast to PCR no.10609/2020 filed by accused no.1 on cause of action of dishonour of cheque. Same amounted to abuse of process of law. It was submitted in legal notice got issued by complainant on 25.06.2020, there was no reference to cheque transaction. It was submitted grievance espoused in complaint was entirely civil in nature attempted to be given criminal flavour, which would be abuse of process calling for interference.

5. Further, there was delay in filing complaint as even according to complainant cheques were stolen on 12.06.2020, complainant approached RT Nagar Police Station on 27.06.2020 who did not register his complaint and thereafter approached Dy.Commr. of Police on 06.07.2020. However, complaint was filed only on 10.03.2021, indicating unexplained delay and



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giving room for afterthought. On above grounds sought for allowing petition

6. Sri Javeed S., learned HCGP for respondents no.1 to 5 opposed petition. It was submitted, presentation and dishonour of cheque in question was after alleged incident of theft of cheques on 12.06.2020 and after filing of complaint by complainant. And contents of complaint contained essential ingredients for offense of theft. Hence, prayed for dismissal of petition.

7. None appears for respondent no.6.

8. Heard learned counsel and perused material on record.

9. This petition is by accused no.1 and 2 challenging registration of FIR for offences punishable under Section 380, 420, 506 read with Section 34 of IPC, mainly on ground that it was counterblast to private complaint filed by accused for dishonor of cheque and as such abuse of process of law, that dispute was civil in nature attempted to be given criminal flavour as well as delay in filing complaint.



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10. Above narration would indicate that there are two contradictory versions about cheque in question. While accused no.1 claims that cheques were issued towards discharge of legally enforceable debt were dishonored on presentation for collection and only after issuance of notice of dishonor, complainant had set up false plea of cheques being stolen; complainant alleges that he had noticed three signed blank cheques missing from his office but came to know that they were stolen by accused no.1. After receipt of intimation of presentation of cheque for collection and had immediately got issued legal notice for return of stolen cheques and on failure filed complaint.

11. In PCR no.4679/2021, complainant has stated that he realized three of his cheques missing on 12.06.2020 and on same day issued stop payment instructions to his banker. And after 23.06.2020 receiving intimation from his banker about presentation of one of missing cheques for collection by accused no.1, realized that accused no.1 had stolen the cheques and therefore he filed complaint with jurisdictional police. It is also stated that on 25.06.2020, complainant had



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got issued legal notice to accused demanding return of stolen cheques, but received no reply. Instead, on 26.06.2020, he was abused and threatened by accused no.2, if he did not withdraw notice. And on noticing that Police were not taking action on complaint, he filed private complaint on 10.03.2021.

12. As per Hon'ble Supreme Court in case of **RK Kapoor v. State of Punjab** reported in **AIR 1960 SC 866**, in case of challenge of FIR/complaint, Court has to examine whether contents of complaint taken on face value disclose offence.

13. As per complaint, cheques in question were securely in Shop and were stolen. Same would be ingredients for offence under Section 380 of IPC. Likewise, there is allegation of abuse and threatening of complainant by accused no.2 over phone, which prima facie would be essential ingredients for offence of Criminal Intimidation under Section 506 of IPC. Though whether allegation of presenting stolen cheques for collection and making demand for money based on same would constitute essential ingredients for offence under



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Section 420 of IPC would be debatable, same would not by itself be a ground for quashing of entire proceedings.

14. Though accused no.1 herein claims that impugned complaint is counterblast to Demand Notice got issued by accused to complainant herein and Private Complaint filed. Copy of Demand notice produced discloses it to be dated 01.07.2020. Likewise, PCR no.10609/2020 is seen to be filed on 21.08.2020. Both of above are subsequent to stop payment intimation given by complainant to Bank at undisputed point of time. Though PCR no.4679/2021 is filed by complainant on 10.03.2021, same is with explanation, veracity of which cannot be tested at this stage.

15. Thus, petitioner's challenge would appear without merit. Consequently, following:

ORDER

Petition is ***dismissed.***

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

YKL
List No.: 1 Sl No.: 50