



CNR: KAHC010353192021

NC: 2026:KHC:46893
WP No. 17455 of 2021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF AUGUST, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI
WRIT PETITION NO. 17455 OF 2021 (GM-RES)**

BETWEEN:

- 1 . M/s TRIGYN TECHNOLOGIES LIMITED
NO. 27, SDF-1, SEEPZ-SEZ
ANDHERI (EAST)
MUMBAI - 400 096
REP BY ITS DIRECTOR
P RAJAMOHAN RAO
AGED ABOUT 70 YEARS,
DIRECTOR, TRIGYN
TECHNOLOGIES LIMITED
NO.27, SDF-1, SEEPZ, SEZ.
- 2 . P RAJAMOHAN RAO
S/O P VENKATAKRISHNA RAO
AGED ABOUT 70 YEARS
DIRECTOR, TRIGYN
TECHNOLOGIES LIMITED
NO.27, SDF-1, SEEPZ, SEZ
ANDHERI (EAST)
MUMBAI - 400 096.
- 3 . GANAPATHI RAMACHANDRAN
S/O RAMACHANDRAN
AGED 68 YEARS,
DIRECTOR, TRIGYN
TECHNOLOGIES LIMITED
NO.27, SDF-1, SEEPZ, SEZ
ANDHERI (EAST)
MUMBAI - 400 096.

...PETITIONERS

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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[BY SRI TOMY SEBASTIAN, SR.COUNSEL FOR
SRI A.MAHESH CHOWDHARY, ADVOCATE AND
SMT.KRISHIKA G. VAISHNAV, ADVOCATE]

AND:

IRAM TECHNOLOGIES PRIVATE LIMITED
REP BY ITS CEO AND MD
UDAYABHASKAR RAO ABBURU
AGED: MAJOR
NO.779, 1G2, 2ND FLOOR,
KAIKONDRAHALLI,
SARJAPUR ROAD
BANGALORE - 560 035.

...RESPONDENT

[BY SRI D.PRABHAKAR, ADVOCATE (VC)]

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 27.04.2019 PASSED IN PCR NO.1919/2019 (CC NO.2434/2019) BY HON'BLE MAGISTRATE PENDING ON THE FILE OF XXXIX ACMM, BANGALORE CITY ORDERING REGISTRATION OF THE CASE AGAINST THE PETITIONERS FOR THE OFFENCE UNDER SECTION 138, NI ACT, 1881 AND ISSUING SUMMONS FOR APPEARANCE OF THE PETITIONERS VIDE 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



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ORAL ORDER

Challenging orders dated 27.04.2019 and 09.09.2021 passed by XXXIX ACMM, Bengaluru in CC no.2434/2019 arising out of PCR no.1919/2019, this petition is filed.

2. Sri Tomy Sebastian, learned Senior Counsel appearing for Sri A. Mahesh Chowdhary, advocate for petitioners submitted that petitioners were accused no.1 to 3 (**petitioners**) in PCR no.1919/2019 filed by respondent (**complainant**) on 12.04.2019 stating that accused no.1 was carrying on business of Application Outsourcing Services, Managed Services etc. and accused no.2 and 3, its directors were in charge of and responsible for its day-to-day affairs. It was stated that complainant was in business of Smart Street Light and Smart Parking Solutions, Comprehensive End to End Home Automation Solutions and under Purchase order no.TTL/MH/NSP270918/11 (**PO**) dated 27.09.2018, accused no.2 and 3 placed order with complainant for supply and installation of equipment as per Annexure-1 thereof for Rs.15,95,35,628/- to be paid quarterly. Rs.3,19,07,126/- was required to be paid as advance for first quarter. Out of which



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accused paid Rs.2 Crores on 19.10.2018 and Rs.1,19,07,126/- on 23.10.2018 by NEFT. Further, as per *Invoice no.7* dated 30.11.2018, complainant supplied Handheld Terminal, Wireless Magnetic Sensors, Sensor Routers with inbuilt Lithium-Ion batteries for power backup, IP67 Rated Installation accessories and consumables worth Rs.22,26,542/-; And under *Invoice no.8* dated 28.12.2018 supplied MPOS Billing Application Software, Parking Guidance Software, Parking Management Software, Bay Monitoring and Live Floor-Plan Map View Software, User Web Portal, User Mobile Application, Dashboarding, Reporting and Analytic Tools worth Rs.3,23,32,000/-. Thus, as on 20.01.2019, accused were liable to pay Rs.1,89,42,834/- for second quarter. In meanwhile, accused required complainant to supply additional Handheld Terminals, Wireless Magnetic Sensors, Sensor Routers with inbuilt Lithium-Ion batteries, IP67 Rated Installation accessories and consumables worth Rs.1,05,73,390/- and that as per *Invoice no.9* dated 10.01.2019, complainant purchased said items. Therefore, as on 20.01.2019 accused were liable to pay total of Rs.2,95,16,224/-.



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WP No. 17455 of 2021

3. But repeated demands, calls, mail and WhatsApp messages ended without response. Left with no option, complainant presented cheque no.376669 dated 31.10.2018 for Rs.2,87,16,413/- drawn on Punjab National Bank, Andheri Branch, Mumbai under intimation to accused. It returned with endorsement 'payment stopped by drawer' on 30.01.2019. It was stated failure to repay amount within 15 days after receipt of legal notice dated 25.02.2019 got issued by complainant was received by accused on 02.03.2019 and instead issuing false reply was offence under Section 138 of Negotiable Instruments Act, 1881 (**NI Act**) and therefore, complaint was filed. On 27.04.2019, learned Magistrate recorded sworn statement of complainant as PW.1 marked Exs.P1 to P15 and directed registration of criminal case and issuance of summons to accused. After appearance of petitioners, on application filed by complainant under Section 143A of NI Act, learned Magistrate passed impugned order directing accused to pay 20% of cheque amount within 60 days. Assailing same, this petition was filed.



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WP No. 17455 of 2021

4. It was submitted, though in complaint paras-8 to 12, complainant pleaded particulars/basis for his claim, there was glaring omission to disclose date, place or purpose for which cheque was given. It was submitted, as per complaint payment was to be made quarterly and entire payment for first quarter was made in advance and payment for second quarter would be due only after 20.01.2019. Thus, it was apparent that complainant was misusing stale cheque issued for some other purpose and not towards any legally enforceable debt. Thus, complainant failed to establish that cheque was issued towards existing legally enforceable debt. Consequently, order for issuance of summons passed without noticing above aspects would fall foul of ratio laid down by Hon'ble Supreme Court in case of **Dashrathbhai Trikambhai Patel v. Hitesh Mahendrabhai Patel & Anr.** reported in **(2023) 1 SCC 578** about existence of legally enforceable debt as on date of issuance of cheque. It was submitted order for issuance of summons would also violate ratio laid down in **Rekha Sharad Ushir v. Saptashrungi Mahila Nagari Sahkari Patsanta Ltd.**, reported in **2025 SCC OnLine SC 64**, wherein Hon'ble



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Supreme Court held that order for issuance of summons was required to be passed by reasoned order by applying mind to material on record. It was submitted, statement about '*perusal of oral and documentary evidence*' would not meet said requirement. On above grounds prayed for allowing petition.

5. Opposing petition, Sri D Prabhakar, learned counsel for complainant, submitted order for issuing summons passed on perusal of complaint/material, cognizance would be deemed taken even without words '*cognizance taken*'. And since in reply to statutory notice accused admitted issuance of cheque, as held by Hon'ble Supreme Court in **Renuka v. State of Maharashtra [(2026) INSC 327]**, once issuance of cheque was admitted question whether it towards legally enforceable debt would require trial rendering quashing petition untenable.

6. Heard learned counsel, perused material on record.

7. Challenging orders issuing summons and grant of interim compensation, this petition is filed.

8. Main ground for challenge are non-disclosure of details of issuance of cheque; failure to establish issuance of



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cheque was towards legally enforceable debt, since payment for second quarter would not fall due prior to 20.01.2019 and failure to pass considered order for issuance of process.

9. To substantiate challenge, petitioners have produced copies of PCR no.1919/2019, statutory notice, reply-notice, correspondence, sworn statement, cheque, PO/Invoices, IA under Section 143A of NI Act etc. none of which disclose place of issuance and purpose of cheque. There is no specific plea that cheque no.376669 dated 31.10.2018 for Rs.2,87,16,413/- drawn on Punjab National Bank was issued by accused for making payment against PO/Invoices. As rightly submitted, complainant admits receipt of advance amount for first quarter and payment for second quarter would be due on 20.01.2019. Annexure-1 to PO dated 27.09.2018 mentions about issuance of PDCs along with timeline and specified amounts for payment. There is no mention of any payment due as on 31.10.2018 i.e. date of cheque in question. Combined effect of above would be that cheque in question cannot be stated to be issued towards legally enforceable debt. And in view of abject lack of pleading about purpose of issuance of



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cheque, ratio in **Renuka's** case (supra) would not apply. On other hand, observation by Apex Court in case of **Sunil Todi v. State of Gujarat** reported in **(2022) 16 SCC 762**, about phrase "debt or other liability" to include '*sum of money promised to be paid on a future day by reason of a present obligation*'. As a result, absence of pleading that cheque was issued in acceptance of such obligation, would be fatal to entire proceedings. Thus, order dated 27.04.2019 can be held passed without application of mind and examine validity of order dated 09.09.2021 on interim application, entire proceedings would require to be held illegal.

Consequently, petition is **allowed**, order dated 27.04.2019 is set-aside, entire proceedings in CC no.2434/2019 arising out of PCR no.1919/2019 on file of XXXIX ACMM, Bengaluru, stand *quashed*.

Sd/-
(RAVI V HOSMANI)
JUDGE

YKL,AV,GRD
List No.: 1 Sl No.: 30