



CNR: KAHC010484712019

NC: 2026:KHC:48581
CRL.P No.1271/2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 8TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE H.P.SANDESH
CRIMINAL PETITION NO.1271/2020

BETWEEN:

1. SRI. C. MANJUNATHA
S/O CHENNAPPA
AGED ABOUT 56 YEARS
R/AT SNEHA NILAYA
1ST FLOOR, KUMAR STREET
K R PURAM, BENGALURU-560036.

PROPRIETOR OF SLV AGENCY
NO.22 AND 39, 6TH CROSS
VINAYAKA NAGAR, DEVASANDRA
K R PURAM, BENGALURU-560036.

...PETITIONER

(BY SRI. MAHESH B.J. ADV.,)

AND:

1. THE STATE OF KARNATAKA
BY BANGARPET POLICE STATION
KOLAR DISTRICT-563114
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA.
2. SRI. RAKESH BABU N
S/O NITHYANANDAN
AGED ABOUT 40 YEARS
R/AT DESHIHALLI VILLAGE
KASABA HOBLI
BANGARPET TALUK
KOLAR DISTRICT-563114.

...RESPONDENTS

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010484712019

NC: 2026:KHC:48581
CRL.P No.1271/2020

(BY SRI. SUHAS GOWDA M, HCGP FOR R1/STATE
SRI. D. PRABHAKAR, ADV., FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN CR.NO.185/2019 REGISTERED BY BANGARPET POLICE STATION, KOLAR DISTRICT, FOR THE OFFENCE P/U/S 120(B), 406, 420, 107, 504 AND 506 OF IPC AGAINST THE PETITIONER IN FURTHERANCE TO ORDER DATED 25.07.2019 PASSED BY THE PRL. CIVIL JUDGE AND J.M.F.C., BANGARPET IN PCR NO.132/2019, VIDE ANNEXURE-C.

THIS PETITION, COMING ON FOR ADMISSION, 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 proceedings initiated against the petitioner in Crime.No.185/2019 registered by Bangarpet Police Station, Kolar District for the offences punishable under Sections 120-B, 406, 420, 107, 504 and 506 of IPC, which is raised out of PCR.No.132/2019.

2. The learned counsel appearing for the petitioner vehemently contends that proceedings under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') have



**NC: 2026:KHC:48581
CRL.P No.1271/2020**

already been initiated, pursuant to which notice was issued and a reply notice was also given and subsequently, within a span of three months the present complaint has been filed. The learned counsel further vehemently contends that, though other offences have been invoked, the averments made in the complaint do not disclose the ingredients of the said offences and it is nothing but an abuse of process. The learned counsel submits that the first respondent, at the behest of the second respondent, has falsely implicated the petitioner on false and vicious assertions. The learned counsel also vehemently contends that the contents of the complaint do not disclose any cognizable offence. So also, the learned counsel vehemently contends that, when the reply notice was given, denying the very transaction between the complainant and the accused, sets up the defence that the cheque had been given to some other person and the same has been misused. The learned counsel further contends that the present complaint has been filed



invoking the offences under Sections 406 and 420 of the IPC, making the allegation that the petitioner had similarly cheated other persons. The learned counsel also vehemently contends that the complaint does not disclose invoking the ingredients of Section 504, 506 and 507 of the IPC and the trial Court committed an error in taking cognizance and coming to the conclusion that the document prima facie shows that there is an offence and cognizance is taken. The order taking cognizance is also very silent with regard to the invoking of the ingredients of the offences is concerned and hence it requires interference of this Court. The learned counsel in support of his arguments relies upon the judgment of the Apex Court in the case of ***Priyanka Srivastava and Another v. State Of Uttar Pradesh and Others***¹. The learned counsel also brought to the notice of this Court the order passed by this Court in Criminal Petition No.6799/2019 dated 16.06.2026, wherein this Court came to conclusion

¹ (2015) 6 SCC 287



that the affidavit filed did not disclose the very committing of the offence and that the affidavit was filed only in the form of a verifying affidavit in support of the complaint.

3. Per contra, the learned counsel appearing for respondent No.2 vehemently contends that an affidavit has been filed along with the complaint. Though detailed averment is not made in the affidavit, but the complaint specifically contains averments disclosing the ingredients of the offences. The learned counsel also brought to notice of this Court to the averments made in paragraph Nos.6, 7 and 8 of the complaint, in order to invoke the offences 120B, 406, 420, 107 and so also 504, 506 of the IPC.

4. The learned counsel appearing for the State contends that based on the complaint, the matter was referred under Section 156(3) of the Cr.P.C. and an FIR also registered, as evident by Annexure-A and matter is yet to be investigated.



5. Having heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents, it is not in dispute that the proceedings were initiated under Section 138 of NI Act, in respect of the dishonour of the cheques issued by the petitioner and cognizance has also been taken in the said case. The learned counsel also brought to notice of this Court that within a span of three months the present complaint has been filed. Having taken note of the private complaint already filed invoking Section 138 of NI Act, wherein prayer is sought with regard to the taking of cognizance in respect of bouncing of cheques is concerned, the learned counsel also brought to notice of this Court that the notices were exchanged between the complainant and accused.

6. Having taken note of the contents of the complaint, noted in paragraph No.6, which stated with regard to the transaction between the complainant and the



accused, the same has to be proved in a proceedings under Section 138 of NI Act with regard to the issuance of cheque and bouncing of the cheque and also with regard to the defence which was taken by the petitioner. However, the learned counsel brought to notice of this Court that, with regard to the ingredients of the offence is concerned, there is no averment in the complaint to demonstrate that the cheque was issued with an intention to cheat the complainant and no specific date was also mentioned in the complaint with regard to invoking of Sections 504 and 506 of the IPC, so also with regard to the abatement of the ingredients of Section 107 of the IPC.

7. When already proceedings are initiated under Section 138 of NI Act and no specific averments are made in the complaint with regard to making of abuse, invoking the ingredients of offences under Sections 504 and 506 of the IPC is concerned, only omnibus statement is made in



the complaint and no specific date is mentioned with regard to the causing of life threat as well as abuse made by the complainant. It is nothing but an abuse of process in filing one more complaint invoking the offence under Sections 120B, 406 and 420 of IPC.

8. It is also important to note that the judgment of the Apex Court is also very clear with regard to when the accusation is made and the same is supported by a detailed affidavit and judgment of **Priyanka Srivastava and Another** referred supra is very clear that the affidavit must reflect the accusation in support of the complaint or otherwise it amounts to an abuse of process. Hence, the principles laid down in the judgment of **Priyanka Srivastava and Another** is also applicable to the case on hand and hence petitioner has made out the ground to quash the proceedings or otherwise it amounts to an abuse of process and miscarriage of justice. In view of the discussions made above, I pass the following:



CNR: KAHC010484712019

NC: 2026:KHC:48581
CRL.P No.1271/2020

ORDER

- i. The Criminal Petition is ***allowed***.
- ii. The proceedings initiated against the petitioner in Crime No.185/2019 registered by Bangarpet Police Station, Kolar District for the offences punishable under Sections 120-B, 406, 420, 107, 504 and 506 of IPC, which is araised out of PCR.No.132/2019 is hereby quashed.
- iii. The observations made by this Court shall not influence the trial Court while considering the complaint filed under Section 138 of NI Act on merits.

Sd/-
(H.P.SANDESH)
JUDGE

ABK
List No.: 1 Sl No.: 28