



CNR: KAHC010503482021

NC: 2026:KHC:49459
CRL.P No. 10221 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 10221 OF 2021 (482(Cr.PC) /
528(BNSS))

BETWEEN:

SRI. SRINIVASA
S/O SRI. THIPPERUDRAIAH,
AGED ABOUT 46 YEARS,
R/AT NO.63, MAYAMMA NILAYA,
1ST FLOOR, 2ND MAIN, K.K. LAYOUT,
NAGARBHAVI, BENGALURU - 560 072.

...PETITIONER

(BY SRI. MANJUNATH H., ADVOCATE)

AND:

SRI. KUMAR C V
S/O LATE VEERA KEMPAIAH,
AGED ABOUT 42 YEARS,
PROPRIETOR,
M/S SLN BRICKS AND SLV TRANSPORT,
R/AT CHANNAMARAIAHNA PALAYA VILLAGE,
THIPPAGONDANAHALLI POST,
TAVAREKERE HOBLI,
BENGALURU - 560 120.

...RESPONDENT

(BY SRI. NARAYANASWAMY K N., ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO A.CALL FOR THE RECORDS OF C.C NO.627/2017 PENDING DISPOSAL ON THE FILE OF THE COURT OF II ADDITIONAL CIVIL JUDGE AND J.M.F.C AT MAGADI. B.QUASH THE ORDER DATED:7/12/2021 ON THE FILE OF THE COURT OF COURT OF II ADDITIONAL CIVIL JUDGE AND J.M.F.C AT MAGADI ON THE APPLICATION MADE BY THE PETITIONER UNDER SECTION 243(2) OF CRPC R/W SECTION 45 OF THE INDIAN EVIDENCE ACT PRODUCED AS ANNEXURE-A BY ALLOWING THIS WRIT PETITION. C.CONSEQUENTLY ALLOW THE APPLICATION MADE BY THE PETITIONER/PETITIONER UNDER

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Location: HIGH
COURT OF
KARNATAKA



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SECTION 243(2) OF THE CR.P.C 1973 R/W SECTION 45 OF THE INDIAN EVIDENCE ACT.

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 Sri Manjunatha H., learned counsel for the petitioner and Sri Narayanaswamy K.N., learned counsel for the respondent.

2. This petition is filed praying this Court to set aside the order passed by the Trial Court rejecting the application filed under Section 45 of the Indian Evidence Act, wherein the Trial Court, taking note of paragraph No.7, has come to the conclusion that the issuance of the cheque is not in dispute and that the signature on the cheque is also not in dispute. The only dispute is with regard to filling up of the blank cheque which was issued by the accused as security for supplying the material.

3. The Trial Court has taken note of Section 20 of the Negotiable Instruments Act, has come to the conclusion that the dispute is only with regard to the handwriting and filling up



of the cheque and when the cheque and the signature thereon are not disputed, the question of entertaining the application and sending the document for examination does not arise. Hence, the petitioner has filed this petition before this Court.

4. The learned counsel appearing for the respondent would also contend that the same is a matter of trial and the Court can consider the same during the course of trial and that there cannot be any proceedings under Section 482 of Cr.P.C. to quash the order.

5. Having heard the learned counsel for the petitioner and also the learned counsel appearing for the respondent and when the Trial Court has made an observation in paragraph No.7 that the cheque is not in dispute and the signature on the cheque is also not in dispute and that the dispute is only with regard to filling up of the said cheque, which was given as security, the same is a matter of trial and the same can be considered during the course of trial. In view of the judgments of the Apex Court, once the cheque and the signature thereon are admitted, the dispute regarding filling up of the cheque is also a matter of trial and hence, the question of considering the



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said issue and referring the same to an expert under Section 45 of the Indian Evidence Act does not arise, as there is no fundamental dispute in respect of the cheque. Hence, I do not find any grounds to entertain the petition under Section 482 of Cr.P.C. The same could be considered by the Trial Court during the course of trial and also at the time of considering the matter on merits.

6. In view of the above observation, I pass the following:

ORDER

- i. The petition is ***dismissed***.
- ii. The Trial Court is directed to dispose of the matter within a period of six months from the date of receipt of a copy of this order.

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

AM
List No.: 1 Sl No.: 40