



CNR: KAHC010543952026

NC: 2026:KHC:45654
CRL.P No. 11895 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 11895 OF 2026

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. ASHWATH KUMAR N
S/O.B NARAYAN RAO,
AGED ABOUT 65 YEARS,
NO.01, 3RD FLOOR, 3RD CROSS,
MODEL HOUSE STREET,
BASAVANGUDI,
OPPOSITE NAGASANDRA CIRCLE,
BANGALORE

... PETITIONER

(BY MS. ANAGHA S DESAI., ADVOCATE)

AND:

1. MOHAN KUMAR
S/O. L K VENKATESHAPPA,
AGED ABOUT 45 YEARS,
SDC, TUMKURU VETERINARY HOSPITAL,
TUMKURU-572 101

... RESPONDENT

THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNNS),
PRAYING TO SET ASIDE THE ORDER DATED 28.11.2022
DISMISSING THE COMPLAINT FOR NON PROSECUTION AND
RESTORE C.C.NO.31282/2022 TO THE FILE OF THE LEARNED
MAGISTRATE.

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

Digitally
signed by
PADMAVATHI
B
Location: High
Court of
Karnataka



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CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

Petitioner is before the Court calling in question the order dated 28.11.2022 passed by the XVI ACMM, Bangalore, which rejects the proceedings in C.C.No. 31282/2022 for its non-prosecution.

2. The order dated 28.11.2022 reads as follows:

"Again case called out, at 5.05 P.M. Complainant called out, absent. No representation for. complainant. Perused the records. But the complainant remained absent and failed to furnish PF inspite of order. No doubt it is true that the case should not be dismissed either for default or for non prosecution. But on the other hand, the case has to be decided on merits and the real controversy between the parties has to be adjudicated finally and effectively. But in this case, the complainant remained absent and failed to furnish PF inspite of order. This shows that, complainant is not interested in prosecuting this case. The proceedings of this nature is summary in nature as per Sec.143 of N.I Act., which is



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required to be concluded in respect of trial within 6 months from the date of filing the complaint. But complainant remained absent. Hence this court has no option, but to dismiss the complaint for non-prosecution. Hence, complaint is dismissed for non prosecution."

3. The complainant / petitioner had remained throughout absent right from 28.11.2022 and failed to pay process fee for issuance of summons. Owing to the continuous absence of the complainant, the Court left with no choice, rejects the petition for its non-prosecution.

4. The petitioner was not aware of the order so passed by the concerned Court and therefore has called that in question after gaining knowledge about the dismissal of the case for its non-prosecution in terms of the order dated 28.11.2022.

5. Though the order is on 28.11.2022, learned counsel for the petitioner Ms. Anagha S. Desai, would submit that the petitioner did not have the knowledge of



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the same as it was dismissed for non-prosecution and when enquired about the progress of the case, comes to know of it. In that light, petitioner would seek one opportunity to comply with the orders passed by the Court and take the issue to its logical conclusion.

6. In the light of the said submission of the learned counsel to the petitioner, I deem it appropriate to grant one opportunity to the petitioner to appear before the Court and comply with the directions so issued. For the purpose of taking up the issuance of summons, the petitioner shall appear before the Court on **11.09.2026**. The concerned Court shall take the issue to its logical conclusion thereon.

7. For the aforesaid reasons, the following:

ORDER

i) Petition is **allowed**.



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ii) Order dated 28.11.2022 passed in C.C.No. 31282/2022 by the XVI ACMM, Bangalore, stands quashed.

iii) C.C.No. 31282/2022 is restored to the file of XVI ACMM, Bangalore.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

VP