



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 12094 OF 2024

BETWEEN:

1. MR. ROSHAN SHABBIR
AGED 55 YEARS
S/O ABDUL RAHIM ROSHAN
2. MRS. SHAHISTA NAZNEEN
AGED 47 YEARS
W/O ROSHAN SHABBIR
3. MR. FAISAL ROSHAN
AGED 25 YEARS
S/O ROSHAN SHABBIR

ALL ARE RESIDING AT NO. 16-B,
9TH CROSS, ADI KABIR ASHRAM ROAD
MOTI NAGAR, RT NAGAR POST
BANGALORE - 560 032.

...PETITIONERS

(BY SMT. VACHANA N.V, ADVOCATE FOR
SRI. JAGADEESHA K.G, ADVOCATE)

AND:

1. KH LAW OFFICE
REP. BY MR. HUSSAIN OWIS S
S/O K.M. HUSSAIN



AGED 33 YEARS
KH LAW OFFICE, NO. 15,
1ST FLOOR, BHARAT BHAVAN
INFANTRY ROAD,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. BALAKRISHNA M.R, ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO A) QUASH THE PCR PROCEEDINGS - ISSUE AN ORDER QUASHING THE PRIVATE COMPLAINT REGISTER (PCR) PCR NO.55803/2024 PENDING BEFORE THE HONBLE XIV ADDL. CHIEF JUDICIAL MAGISTRATE, MAYOHALL APPENDED AT ANNEXURE-P THE SAID PCR HAS BEEN FILED BY THE RESPONDENT AGAINST THE PETITIONERS, AS THE ALLEGATIONS AND CLAIMS MADE THEREIN ARE BASED ON FABRICATED AND FORGED DOCUMENTS, AND IS LACK OF MERITS AND CREDIBILITY. QUASH PCR NO.55803/2024 DATED 11.03.2024.

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



CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners/accused Nos.1 to 3 are before the Court calling in question proceedings in C.C.No.55395/2024 registered for offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. Heard Smt. Vachana N.V., learned counsel for Sri. Jagadeesha K.G., learned counsel appearing for the petitioners and Sri. Balakrishna M.R., learned counsel appearing for the respondent.

3. The concerned Court takes cognizance of the offence only against petitioner/accused No.1 and dismisses the complaint insofar as petitioners/accused Nos.2 and 3 are concerned. The issue therefore revolves around the first petitioner only. The first petitioner is said to be the client of the complainant, an advocate. The first petitioner issues a cheque for Rs.40,20,000/-. The cheque having been presented gets dishonoured. On such dishonour, the respondent/complainant invokes Section 200 of Code of Criminal Procedure, 1973 ('the



Cr.P.C.' for short) for offence punishable under Section 138 of the Negotiable Instruments Act. As observed herein above, the concerned Court takes cognizance against the petitioner No.1 alone and dismisses the complaint *qua* petitioner Nos.2 and 3.

4. The learned counsel appearing for the petitioner would submit that the cheque was issued as a security pursuant to an agreement which had to be encashed only after the conclusion of the case. The agreement is also appended to the petition. She would submit that the proceedings must be obliterated, as there is large scale forgery in the case at hand committed by the advocate, but would also in the same breath submit that there is no crime registered against the complainant under the penal provisions for forgery or otherwise.

5. In the light of the fact that the petitioner's signature is found on the cheque and the cheque is said to have been issued in discharge of certain obligation. All the other matters that the petitioners are now wanting to project would become a matter of evidence to be let in before the concerned Court. In the light of the said fact, there is no warrant of interference in



exercise of jurisdiction under 482 of Cr.P.C, more so in the light of the fact that both signature and the cheque are admitted, rest all would become a matter of trial in a summary proceedings as obtaining under Section 143 of the Negotiable Instruments Act.

6. In the light of the issue being of the year 2024, the concerned Court shall expedite the conclusion of the trial, within a period of six months from the date of receipt of copy of this order.

7. Leaving open all the contentions to be urged before the concerned Court, the petition stands ***disposed.***

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

JY
List No.: 2 Sl No.: 6