



CNR: KAHC010719792024

NC: 2026:KHC:50924
CRL.P No. 13 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 13 OF 2025 (482(Cr.PC) /
528(BNSS)-)

BETWEEN:

1. MR SRI SUNIL KUMAR Y
S/O YOGESH H.C.
AGED ABOUT 33 YEARS
R/AT. NO. 7, 9TH CROSS, GROUND FLOOR,
BABUJI NAGAR LAYOUT, NEAR BABUJI PARK,
CHANDRA LAYOUT, BENGALURU.
2. SRI. SUNIL KUMAR. M.R.
S/O. RATHNAPPA,
AGED ABOUT MAJOR
R/AT. NO. 25, 3RD FLOOR,
1ST CROSS ROAD, SECTOR-C,
RAMAIAH REDDY COLONY,
BASAVANAGAR, BENGALURU-560 037.

...PETITIONERS

(BY SRI. ELANGO VAN K.,ADVOCATE)

AND:

SRI NEETHAN RAJ M R
S/O. SRI. M. RAMARAO,
AGED ABOUT 46 YEARS,
R/AT. NO. 21, 4TH MAIN ROAD,
AKSHAYA RESIDENCY
TATA SILK BASAVANAGUDI,,
BENGALURU-560 004.

...RESPONDENT

(RESPONDENT SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO ALLOW THIS PETITION AND TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.27047/2023 IN THE PRIVATE



Digitally Signed By:
SURAJ GOVINDA RAJ
25/09/2026, 14:16, BENGALURU
Verified



CNR: KAHC010719792024

NC: 2026:KHC:50924
CRL.P No. 13 of 2025

COMPLAINT FILED BY THE RESPONDENT / COMPLAINANT SO FAR AS THE ACCUSED NO.2 AND 3 PETITIONERS HEREIN CONCERNED FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT AND THE SAME IS PENDING BEFORE THE HON'BLE XVI A.C.J.M AT BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

"Allow this petition and to quash the entire proceedings in C.C.No.27047/2023 in the private complaint filed by the respondent / complainant so far as the Accused no.2 and 3 Petitioners herein concerned for the alleged offence p/u/s 138 of N.I Act and the same is pending before the Hon'ble XVI A.C.J.M at Bengaluru."

2. The respondent filed a complaint under Section 200 of the Code of Criminal Procedure alleging commission of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, in PCR No.7742 of 2023. Upon recording the sworn statement, the complaint was registered as CC No.27043 of 2023 and summons came to be issued. The petitioners have therefore approached this Court seeking quashing of the said proceedings.
3. The principal contention of learned counsel for the petitioners is that the transaction in question was between the complainant and accused No.1. The cheques were issued by accused No.1 from her own savings bank



Digitally Signed By:
SURAJ GOVINDA RAJ
25/09/2026, 14:16, BENGALURU
Verified



CNR: KAHC010719792024

NC: 2026:KHC:50924
CRL.P No. 13 of 2025

account and were signed by her. It is therefore contended that she alone is responsible for the dishonour and accused Nos.2 and 3, who are neither the account holders nor the signatories to the cheques, cannot be prosecuted for the dishonour of the said cheques.

4. The complaint itself does not contain any allegation that accused Nos.1 to 3 constituted a company, firm or association of persons in respect of which vicarious liability could be invoked under Section 141 of the Negotiable Instruments Act. There is also no specific allegation that accused Nos.2 and 3 had drawn, signed or issued the cheques in question.
5. On the contrary, the material on record shows that accused No.1 is the holder of the savings bank account on which the cheques were drawn and that the cheques bear her signatures. Accused Nos.2 and 3 are neither account holders nor signatories to the said account.
6. It is also significant that accused No.2, who is the husband of accused No.1, himself makes a categorical submission that accused No.1 alone was responsible for the transaction and for the dishonoured cheques. Thus, even on the petitioners' case, the person who maintained the account and issued the cheques is clearly identifiable.
7. The complaint merely alleges that all three accused were contractors who had undertaken to carry out certain work, which was not completed, and that the cheques were thereafter issued by accused No.1 to the



Digitally Signed By:
SURAJ GOVINDA RAJ
25/09/2026, 14:16, BENGALURU
Verified



CNR: KAHC010719792024

NC: 2026:KHC:50924
CRL.P No. 13 of 2025

complainant. The mere assertion that accused Nos.1 to 3 were associated as contractors in the underlying transaction does not, by itself, create criminal liability under Section 138 in respect of a cheque drawn on the account of accused No.1 and signed by her.

8. The scheme of Section 138 makes the drawer of the cheque primarily liable for the offence upon fulfilment of the statutory conditions. Criminal liability for dishonour of a cheque cannot ordinarily be extended to a person who is neither the drawer nor the signatory of the cheque, except where liability is specifically fastened by a statutory provision such as Section 141 of the Negotiable Instruments Act.
9. Section 141, however, has no application on the facts pleaded in the present complaint. There is no allegation that the cheques were issued by a company or firm so as to attract the statutory mechanism of vicarious liability. Nor is there any other provision in the complaint which could make accused Nos.2 and 3 criminally liable for the dishonour of cheques drawn on the personal savings bank account of accused No.1.
10. The underlying transaction and the liability, if any, arising therefrom may give rise to remedies against the persons who are legally liable for the transaction. However, such liability cannot, by itself, be converted into criminal liability under Section 138 against persons who neither maintained the account on which the cheques were drawn nor signed the cheques.



Digitally Signed By:
SURAJ GOVINDA RAJ
25/09/2026, 14:16, BENGALURU
Verified



CNR: KAHC010719792024

NC: 2026:KHC:50924
CRL.P No. 13 of 2025

11. In the circumstances, the essential statutory foundation for prosecuting accused Nos.2 and 3 under Section 138 of the Negotiable Instruments Act is absent. Continuation of the criminal proceedings against them would therefore amount to subjecting them to a prosecution without the necessary statutory basis.
12. Accordingly, the proceedings in CC No.27043 of 2023 arising out of PCR No.7742 of 2023, insofar as accused Nos.2 and 3 are concerned, are liable to be quashed. The proceedings against accused No.1, who is the account holder and signatory of the cheques in question, are not interfered with by this order.
13. In that view of the matter, this Court passes the following;

ORDER

- i. Criminal petition is ***allowed***.
- ii. The proceedings in CC No.27047 of 2023 pending on the file of XVI Addl. Chief Judicial Magistrate at Bengaluru, insofar as accused Nos.2 and 3 are quashed.
- iii. It is made clear that the proceedings shall continue against accused No.1.



Digitally Signed By:
SURAJ GOVINDA RAJ
25/09/2026, 14:16, BENGALURU
Verified

**(SURAJ GOVINDARAJ)
JUDGE**