HC-KAR

NC: 2026:KHC:62061
CRL.P No. 423 of 2024

CNR: KAHC010022032024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.423 OF 2024

BETWEEN:

SRI SUNIL KUMAR H.S.
AGED ABOUT 38 YEARS,
S/O HANUMAIAH
RESIDENT OF NO.HULIYAR
VIJAYANAGARA BADAVANE,
HULIYAR HOBLI, HULIYAR,
CHIKKANAYAKANAHALLI TALUK,
TUMKUR DISTRICT,
KARNATAKA 572218.

...PETITIONER

(BY SRI. RAISHITH K.S., ADVOCATE)

AND:

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

SMT. RATHNAMMA,
W/O SRI.CHOWDANAYAKA,
AGED ABOUT 63 YEARS,
RESIDING AT HOSAAGRAHARA VILLAGE,
HOSAAGRAHARA TALUK,
K.R.NAGARA, MYSURU DISTRICT,
KARNATAKA 571601.

...RESPONDENT

(BY SRI. GOVIND BHARATH M.V., ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.499/2022 PENDING

ADJUDICATION ON THE FILE OF THE LEARNED SENIOR CIVIL JUDGE AND J.M.F.C, KRISHNARAJANAGARA AGAINST THE PETITIONER HEREIN FOR THE OFFENCE P/U/S 138 OF N.I ACT.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

The respondent-complainant instituted a private complaint against the petitioner under Section 200 of Cr.P.C. alleging commission of an offence punishable under Section 138 of the N.I. Act, in respect of dishonour of a cheque for a sum of Rs.5,00,000/-. Upon presentation of the complaint, the learned Magistrate recorded the sworn statement of the complainant and, being satisfied with the same, ordered issuance of summons to the petitioner-accused. Aggrieved by the said order, the petitioner has preferred the present petition challenging the same.

2. Heard the learned counsel for the respective parties.

3. The sole contention urged by the petitioner is that the complainant has not produced the banker's slip evidencing dishonour of the cheque along with the complaint. Hence, it is

contended that, in the absence of such banker's slip, the complaint is not maintainable in view of Section 146 of the N.I. Act, 1881. Accordingly, he prayed to allow the petition.

4. *Per contra*, learned counsel for the respondent-complainant submits that the complainant is yet to lead evidence before the learned Magistrate and has already filed an application seeking permission to produce the banker's slip evidencing dishonour of the cheque. Therefore, it is contended that there is no procedural irregularity warranting interference by this Court and that the proceedings cannot be quashed on the ground urged by the petitioner. Accordingly, learned counsel seeks dismissal of the petition.

5. I have given my anxious consideration both on the submission and perused the materials on record.

6. As could be gathered from the complaint averments and the proceedings before the learned Magistrate, except for the non-production of the banker's slip evidencing dishonour of the cheque, the petitioner-accused has not pointed out any other procedural lapses or irregularity. As rightly contended by the

learned counsel for the respondent-complainant, the said issue is a matter to be considered during the course of trial. It is also relevant to note that the respondent-complainant has already filed an application before the learned Magistrate seeking permission to produce the said banker's slip. Hence, the ground urged by the petitioner does not warrant interference by this Court at this stage. In such circumstances it cannot be said that the complaint is not maintainable.

Accordingly, petition lacks merits and the same is ***dismissed***.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 11