HC-KAR

NC: 2026:KHC:59576
CRL.P No. 1648 of 2024

CNR: KAHC010094592024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.1648 OF 2024

BETWEEN:

MR. NAGARAJ S.K.
S/O SUNDARA SHETIGAR
AGED ABOUT 54 YEARS
WORKING AS CHARTERED ACCOUNTANT
AT M/S CHATURVEDI AND SHAH
CHARTERED ACCOUNTANTS,
N-604, MANIPAL CENTER
DICKENSON ROAD
BANGALORE - 560 042.

...PETITIONER

(BY SRI. VISHNUMURTHY, ADVOCATE)

AND:

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

1. AKSHODAYA CHITS PRIVATE LIMITED
HAVING ITS REGISTERED AND
ADMIN OFFICE AT
NO.209, 2ND FLOOR,
SLR COMPLEX, VIVEKANANDA NAGAR
KATHRIGUPPE MAIN ROAD,
BSK 3RD STAGE,
BANGALORE - 560 085
R/BY ITS DIRECTORS
AND ACCOUNTANT.

2. MR. RAMAKRISHNA
DIRECTOR AND AUTHORIZED SIGNATORY
AKSHODAYA CHITS PRIVATE LIMITED
HAVING ITS REGISTERED AND
ADMIN OFFICE AT
NO.209, 2ND FLOOR
SLR COMPLEX, VIVEKANNADA NAGAR
KATHRIGUPPE MAIN ROAD,
BSK 3RD STAGE
BANGALORE - 560 085.

3. MR. M.N.SHESHAGIRI RAO
DIRECTOR
AKSHODAYA CHITS PRIVATE LIMITED
HAVING ITS REGISTERED AND
ADMIN OFFICE AT
NO.209, 2ND FLOOR,
SLR COMPLEX, VIVEKANNADA NAGAR
KATHRIGUPPE MAIN ROAD
BSK 3RD STAGE
BANGALORE - 560 085.

4. MR. NARAYAN G.R.
DIRECTOR
AKSHODAYA CHITS PRIVATE LIMITED
HAVING ITS REGISTERED AND
ADMIN OFFICE AT
NO.209, 2ND FLOOR
SLR COMPLEX, VIVEKANNADA NAGAR
KATHRIGUPPE MAIN ROAD
BSK 3RD STAGE
BANGALORE - 560 085.

5. MS. SUVASINI NARAYAN
DIRECTOR

AKSHODAYA CHITS PRIVATE LIMITED
HAVING ITS REGISTERED AND
ADMIN OFFICE AT
NO.209, 2ND FLOOR
SLR COMPLEX, VIVEKANNADA NAGAR
KATHRIGUPPE MAIN ROAD
BSK 3RD STAGE
BANGALORE - 560 085.

6. MS. VEENA C.V.
WORKING AS ACCOUNTANT AND
AUTHORISED SIGNATORY
AKSHODAYA CHITS PRIVATE LIMITED
HAVING ITS REGISTERED AND
ADMIN OFFICE AT
NO.209, 2ND FLOOR
SLR COMPLEX, VIVEKANNADA NAGAR,
KATHRIGUPPE MAIN ROAD,
BSK 3RD STAGE
BANGALORE - 560 085.

…RESPONDENTS

(BY SRI.B.RAVINDRA, ADVOCATE FOR R-2;
R-2 SD, UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO SET ASIDE THE ORDER PASSED BY LEARNED XIV ADDL.C.M.M BENGALURU IN PCR NO.61909/2023 VIDE DATED 19.01.2024 AND DIRECT THE LEARNED XIV ADDL.C.M.M BENGALURU TO TAKE COGNIZANCE OF THE OFFENCE AND PROCEED WITH THE CASE IN ACCORDANCE WITH LAW.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In the present petition, the petitioner has called in question the order dated 19.01.2024 passed in PCR No.61909/2023 by the XIV Additional Chief Metropolitan Magistrate, Bengaluru (hereinafter referred to as 'the learned Magistrate'), whereby the complaint filed by the petitioner under Section 200 of Cr.P.C. against the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, came to be returned for want of jurisdiction, with a direction to the petitioner-complainant to present the same before the Court having jurisdiction to try the matter.

2. The brief facts of the case are that the petitioner herein filed a private complaint against the respondent for the offence punishable under Section 138 of the N.I. Act, in respect of dishonour of cheques issued by the accused - respondents for a sum of Rs.18,82,000/-. It is the case of the petitioner that the respondents had issued the said cheques towards discharge of a legally recoverable debt. The petitioner presented the said

cheques for encashment through HDFC Bank, Richmond Road Branch, Bengaluru. However, the cheques were returned unpaid with the endorsement 'Insufficient Funds'. Hence, the petitioner lodged a private complaint against the respondent for the aforesaid offences.

3. The learned Magistrate, while considering the complaint, returned the same for want of jurisdiction, on the ground that the cheques in question pertain to the HDFC Bank, Head Office, Mumbai Branch, and, therefore, in view of Section 142(2) of the N.I. Act, 1881, the Court at Bengaluru lacks jurisdiction to try the matter. Aggrieved by the said order, the petitioner has preferred the present petition.

4. It is contended by the learned counsel for the petitioner that the learned Magistrate has erroneously returned the complaint for want of jurisdiction, despite the fact that the cheques in question were presented for encashment through the HDFC Bank, Bengaluru Branch. He submits that the petitioner maintains his bank account with the HDFC Bank, Mumbai Branch and that a cheque holder is entitled to present the cheque for encashment at any branch of the concerned

bank across India. Accordingly, being a resident of Bengaluru, the petitioner presented the cheques through the HDFC Bank, Bengaluru Branch. Therefore, it is contended that the complaint is not barred under Section 142(2) of the N.I. Act, learned Magistrate has erred in returning the complaint on the ground of want of jurisdiction.

5. This prayer, is not seriously opposed by the learned counsel for the respondent.

6. I have perused the cheques in question. On careful examination of the same, it is evident that the cheques pertain to the HDFC Bank, Bengaluru Branch, and that the complainant, being a resident of Bengaluru, presented the same for encashment at the said branch. However, it is not in dispute that the complainant maintains his bank account with the HDFC Bank, Mumbai Branch. Nevertheless, the complainant is at liberty to present the cheques for encashment at any branch of the concerned bank across India, wherever such branches are available.

7. In the instant case, since the HDFC Bank has its branch at Bengaluru and the cheques in question were presented for encashment at the said branch, it cannot be held that the learned Magistrate lacks jurisdiction to entertain and try the complaint. Therefore, the impugned order passed by the learned Magistrate returning the complaint for want of jurisdiction is liable to be set aside. Accordingly, I proceed to pass the following:

ORDER

i. Accordingly, the petition is ***allowed***.

ii. The order dated 19.01.2024 passed in PCR No.61909/2023 by the XIV Additional Chief Metropolitan Magistrate, Bengaluru, is hereby set aside.

iii. The complainant is permitted to present the complaint afresh before the learned Magistrate and the learned Magistrate is directed to proceed in accordance with law.

SD/-
(RAJESH RAI K)
JUDGE

GPG/List No.: 1 Sl No.: 9