HC-KAR

NC: 2026:KHC:59822
CRL.P No. 6167 of 2025

CNR: KAHC010289562025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 6167 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

MOHAN KUMAR A
S/O LATE ASHWATHAIAH
AGED ABOUT 51 YEARS,
R/A NO. 265, 2ND BLOCK,
6TH MAIN, RT NAGAR,
BENGALURU-560032

...PETITIONER

(BY SRI. DHANUSH MENON.,ADVOCATE)

AND:

M.VIJAY KUMAR
S/O LATE MARIYAPPA C
AGED ABOUT 49 YEARS,
R/O 4TH CROSS, LEELAVATHI EXTENSION,
MADDUR TOWN, MANDYA 571428

...RESPONDENT

(BY SRI. SHERVIL ADAPPA., ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.2654/2024 INITIATED PURSUANT TO THE PRIVATE COMPLAINT IN PCR NO.555/2024 DATED 24.08.2024 FOR THE OFFENCE P/US/ 138 OF N.I. ACT, PENDING ON THE FILE OF THE 1ST ADDL. CIVIL JUDGE AND JMFC, MADDUR.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

Digitally Signed By:
SURAJ GOVINDA RAJ
29/10/2026, 13:40, Bengaluru
Verified

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;

   a. *Quash the proceedings in C.C.No.2654/2024 initiated pursuant to the private complaint in PCR no.555/2024 dated 24.08.2024 for the offence p/us/ 138 of N.I. Act, pending on the file of the 1st Addl. Civil Judge and JMFC, Maddur.*

2. A memo dated 28.10.2026 has been filed and signed by the learned counsel for the petitioner, which reads as under;

Memo of withdrawal

The petitioner submits that that, the question of law with regard to applicability of proviso to section 223 of BNSS, with regard to offences under NI Act, is not applicable as held by the supreme Court in the case of Sanjabij Tari vs/ Kishore S. Borkar.

The said legal issue being the main issue in this petition, the petitioner may be permitted to withdraw the petition reserving liberty to urge all other defences before the trial court. Hence, the memo be taken on record.

3. Accepting the said memo and submission of learned counsel for the petitioner, the petition is ***dismissed as withdrawn*** reserving liberty to the petitioner to urge all grounds alleged in the petition before the trial Court.

Digitally Signed By:
SURAJ GOVINDA RAJ
29/10/2026, 13:40, Bengaluru
Verified

(SURAJ GOVINDARAJ)
JUDGE

SR/List No.: 1 Sl No.: 26