HC-KAR

NC: 2026:KHC:59559
CRL.P No. 10048 of 2023

CNR: KAHC010376332023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 10048 OF 2023

BETWEEN:

MARIA ACQUCAON PVT. LTD
REPRESENTED BY MANAGING DIRECTOR
MR. JOSEPH FERNANDO
S/O P. SOOSAI FERNANDEO
AGED ABOUT 62 YEARS
AT NO.1, MARIA TOWER
MAIN ROAD, KOOTAPULI
TIRUNELVELI DISTRICT
TMAIL NADU - 627 037.

...PETITIONER

(BY SRI SUDHINDRA B.S, ADV.)

AND:

1. THE CARGO CLINIC
   HAVING ITS OFFICE AT NO.34 (W)
   GROUND FLOOR, 1ST MAIN
   MUNESHWARA LAYOUT
   BANGALORE - 560 064
   REPRESENTED BY ITS GPA HOLDER
   SRI. MURALIDHARA KARANTHA.

2. JNF TRADING
   NO. 9/85-2, G.M.NAGAR
   VISHNUPRURAM COLONY
   ERNAKULAM, NAGERCOIL POST
   KANYAKUMARI, TAMIL NADU - 6290 001.

3. MR. JEYABAL STANISALUS
   S/O STANISLAUS
   AGED ABOUT 52 YEARS
   AT NO. 10-65A, FATHIMA STREET
   KADIYAPATANAM P.O.
   MANAVALAKURICHI

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

KADIAPATANAM, KANYAKUMARI
TAMIL NADU - 629 252.

…RESPONDENTS

(R-1 SERVED, BUT UNREPRESENTED
R-2 & R-3 NOTICE NOT ORDERED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO ALLOW THE PETITION AND QUASH THE PROCEEDINGS IN C.C.NO.2722/2021 ON THE FILE OF THE VII ADDITIONAL SCJ AND ACMM (SCCH-3) FOR TAKING COGNIZANCE AGAINST THE PETITIONER/ACCUSED NO.3 DATED 02.03.2021 FOR THE ALLEGED OFFENCE P/U/S.138 OF NI ACT AS PER ANNEXURE A AND B.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.3 is before this Court in this petition filed under Section 482 of Cr.PC, with a prayer to quash the entire proceedings in C.C.No.2722/2021 pending before the Court of VII Addl. Senior Civil Judge & Addl. Chief Metropolitan Magistrate, Bengaluru, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

2. Heard the learned Counsel for the parties.

3. The material on record would go to show that the complainant himself had filed a memo before the Trial Court in C.C.No.2722/2021 with a prayer to dismiss the complaint as

against accused nos.3 & 4 on the ground that they are not necessary parties to the complaint. However, the learned Magistrate, by order dated 20.02.2023 dismissed the said memo, and thereafter, even the discharge application filed by the petitioner in C.C.No.2722/2021 was rejected.

4. It is the specific case of the petitioner that he is not the signatory to the cheque in question and accused nos.1 & 2 are the signatories to the cheque in question. It appears that under the said circumstances, a memo was filed by the complainant to dismiss the complaint as against the petitioner who is arrayed as accused no.3 in C.C.No.2722/2021.

5. Since the complainant himself had filed a memo to dismiss the complaint against the petitioner, continuation of the criminal proceedings as against the petitioner would amount to abuse of process of law. Accordingly, the following order:

6. Petition is allowed. The entire proceedings in C.C.No.2722/2021 pending before the Court of VII Addl. Senior Civil Judge & Addl. Chief Metropolitan Magistrate, Bengaluru, for the offence punishable under Section 138 of the Negotiable

Instruments Act, 1881, as against the petitioner herein, is quashed.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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