HC-KAR
NC: 2026:KHC:62334
CRL.P No. 9559 of 2026
CNR: KAHC010449302026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 9559 OF 2026

BETWEEN:

SRI.SANDEEP CHAND KHINCHA S.,
S/O H.SWAROOP KHINCHA
AGED ABOUT 56 YEARS,
RESIDING AT: NO.11, 4TH MAIN ROAD,
OPP. RAMESHWARA TEMPLE,
CHAMRAJPET, BENGALURU – 560 018.

…PETITIONER

(BY SRI VAIBHAV RAVI MALIMATH, ADVOCATE)

AND:

SRI VARUN MALLIK M.,
S/O LATE MALLIKARJUNA M.,
AGED ABOUT 45 YEARS,
RESIDING AT: NO.1213/1,
AVALAHALLI MAIN ROAD,
SRINAGARA, BSK 3RD STAGE,
BENGALURU – 560 050.

…RESPONDENT

(BY SRI MANJUNATH K S.,ADVOCATE)

THIS CRL.P FILED U/S.482(FILED U/S.528 BNSS) CR.P.C PRAYING TO A. SET ASIDE ORDER DATED 24.06.2026 IN C.C.NO.21791/2024 BEFORE THE HON'BLE 6th ASCJ AND ACJM

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AT BENGALURU (ANNEXURE P); B. AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONER UNDER SECTION 73 OF CRPC IN C.C.NO.21791/2024 BEFORE THE HON'BLE 6th ASCJ AND ACJM AT BENGALURU (ANNEXURE M), AND C. CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONER UNDER SECTION 311 OF THE CRPC IN C.C.NO.21791/2024 BEFORE THE HON'BLE 6th ASCJ AND ACJM AT BENGALURU (ANNEXURE N).

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petition is filed to quash the order dated 24.06.2026, passed in C.C.No.21791/2024 by the VI Additional Chief Judicial Magistrate, Bengaluru. The petitioner as a consequence, has also prayed that his applications under Section 73 of the Indian Evidence Act, 1872 and Section 311 of Criminal Procedure Code, 1973 be allowed and the cheques presented before the Trial Court be sent to forensic expert's

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opinion to establish the petitioner's contention that the cheques are not in the petitioner's handwriting. Both applications are filed in C.C.No.21791/2024.

3. The Court has considered the contentions raised at the Bar and perused the records.

4. Admittedly, the respondent has filed a complaint for the alleged offence under Section 138 of the Negotiable Instruments Act, 1881 (‘N.I. Act'), against the petitioner. The petitioner in the said case has raised a contention that he had earlier borrowed loan from the complainant and the entire loan is repaid along with interest. Thereafter, a memorandum of understanding was entered into between the petitioner and the respondent and same is evidenced in a document titled as LETTER OF MUTUAL UNDERSTANDING dated 08.04.2022.

5. Referring to the said letter dated 08.04.2022, the learned counsel for the petitioner would urge that in the said letter, it is stated that after 08.04.2022, the petitioner and the respondent will not have any financial transaction whatsoever and all the claims and counter claims between the petitioner

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and the respondent are fully settled and there is no pending adjudication between the parties.

6. Learned counsel for the petitioner referring to the contents of the letter urged that the complaint is filed alleging dishonour of the cheques relating to the alleged transaction, said to have taken place after 08.04.2022, as such, the petitioner / accused raised a contention that the cheque is not in the handwriting of the accused. Thus, he would urge that the document/cheque ought to have been sent for forensic expert's opinion.

7. Learned counsel for the petitioner would submit that the cheques issued by the petitioner in respect of earlier loan transactions have been misused and the complainant had delivered one of the said cheques to one of his friends, who filed a complaint for the offence under Section 138 of the N.I. Act and the said complaint is dismissed for non-prosecution. Another cheque was handed over to another friend of the complainant and after its dishonour the said friend of the complainant issued notice. However, did not file any complaint. Referring to the said facts, it is urged that the

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complainant has misused the cheques issued as a security for earlier transaction.

8. Learned counsel for the respondent would submit that the respondent has never asserted that the contents of the cheques are in the handwriting of the accused/petitioner and the complainant admits that the contents of the cheques are not in the handwriting of the petitioner. Thus, it is the contention that forensic expert's opinion is not necessary in the present case. It is also his further submission that if the petitioner has taken a stand that he has issued the blank cheque to the complainant, then under the law the complainant is entitled to fill in the contents of the cheque and present the same for encashment. Thus, it is urged that even if the expert's report would say that the cheques are not in the handwriting of the complainant, it is of no consequence.

9. The Court has considered the contentions raised at the Bar and perused the records.

10. The petitioner seeks expert opinion on the handwriting on the cheques to substantiate his contention that

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the contents of the cheques are not in his handwriting of the petitioner/accused, there is no need to secure the opinion of the handwriting expert.

11. It is made clear that the complainant/respondent shall not raise a contention that the contents of the cheques are in the handwriting of the petitioner/accused, before the trial Court.

12. The learned counsel for the petitioner at this juncture submits that this order should not come in the way of fair and objective investigation into the complaint filed by the petitioner, wherein he has alleged that his cheques are misused by the respondent - complainant.

13. The Court is of the view that this order shall not come in the way of the proper and fair investigation into the complaint filed by the petitioner and the said complaint has to be investigated on its merits without being influenced by the observations made in this order.

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14. With these observations, the petition is ***dismissed***.

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(ANANT RAMANATH HEGDE)
JUDGE

NVJ
List No.: 1 Sl No.: 17
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