HC-KAR
NC: 2026:KHC:60827
WP No. 28278 of 2026
CNR: KAHC010615252026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 28278 OF 2026 (GM-RES)

BETWEEN:

1. SYED WAJID
   S/O SYED SHAFIULLA,
   AGED ABOUT 41 YEARS,
   NO.297, 10TH CROSS, 8TH MAIN,
   1ST BLOCK EAST, BYRASANDRA,
   JAYANAGAR, BENGALURU, PIN 560011

…PETITIONER

(BY SRI. RAMESH T.,ADVOCATE)

AND:

1. MUJEEB ABDUL MATHEEN
   S/O LATE ABDUL MUJEEB,
   AGED ABOUT 48 YEARS,
   R/O.NO 140 MIG, HUDCO,
   LAYOUT MAIN ROAD,
   NEAR LOYAL WORLD,
   BANNIMANTAP EXTENSION,
   MYSURU 570005

2. THE DEPUTY REGISTRAR
   REPRESENTED BY ITS AUTTHORISED
   REPRESENTATIVE.
   OFFICE OF DISTRICT
   JUDICIARY FOR MYSURU.
   LAW COURT COMPLEX,
   NEAR CHAMRAJPURAM RAILWAY
   STATION MYSURU, PIN 570005
   PH 0821-2330452

…RESPONDENTS

(BY SRI. PRUTHA BHARATHI.,ADVOCATE FOR R1
SRI. RAHUL CARIAPPA K S, AGA FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA R/W SECTION 528 BNSS, 2023, R/W 359 BNSS 2023 PRAYING TO ISSUE AN WRIT OF MANDAMUS CALL FOR COMPLETE RECORDS IN CC NO. 2268/2019 ON THE FILES OF THE COURT OF JUDICIAL MAGISTRATE FIST CLASS (IV COURT) MYSURU (ANNEXURE-A) AND ALSO FILES FROM APPELLANT COURT IN CRL. A NO. 377/2023 (ANNEXURE-B) ALONG WITH COMPLETE RECORDS OF CRL. RP NO. 336/2023 (ANNEXURE-C) BOTH ON THE FILES OF THE COURT OF THE IV ADDITIONAL DISTRICT AND SESSION JUDGE MYSURU TO ALLOW POST CONVICTION SETTLEMENT, COMPOUNDING THE OFFENCE U/S 138 NI ACT.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"a. Issue an Writ of Mandamus, call for complete records in CC.No 2268/2019 On the files of The Court of the Judicial Magistrate First Class(IV Court) Mysuru (Annexure-A). And also files from Appellant court in Crl.A No 377/2023(Annexure-B) along with Complete records of Crl.RP.No 336/2023(Annexure-C) both on the files of the Court of the IV Additional District and Session Judge Mysuru, to allow post conviction settlement, compounding the offence U/s 138 NI Act.*

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b. Grant any other relief which the Hon'ble Court deems fit in the circumstances of the case in the Interest of Justice and Equity."

2. It is forthcoming from the material on record that the first respondent had initiated proceedings against the petitioner for the offences punishable under Section 138 of the Negotiable Instruments Act, 1881[1] before the Court of the Judicial Magistrate First Class (IV Court), Mysuru[2]. The Trial Court vide the judgment dated 30.09.2023 in CC.No.2268/2019 convicted the petitioner and sentenced the petitioner to pay fine of Rs.15,05,000/- and in default to undergo simple imprisonment for 6 months. Being aggrieved, the petitioner preferred Criminal Appeal No.377/2023 before the Court of the IV Additional District and Sessions Judge, Mysuru[3], which was dismissed vide judgment dated 29.08.2024.

3. The first respondent-complainant preferred Criminal Revision Petition No.336/2023 seeking for enhancement of the fine amount. The Sessions Court vide judgment dated 26.09.2024 partly allowed the said revision petition and

[1] Hereinafter referred to as 'NI Act'
[2] Hereinafter referred to as 'Trial Court'
[3] Hereinafter referred to as 'Sessions Court'

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enhanced the sentence directing the petitioner to pay fine amount of Rs.27,50,000/-.

4. Being aggrieved by the judgment dated 29.08.2024 passed in Criminal Appeal No.377/2023, the petitioner preferred Criminal Revision Petition No.1440/2024 before this Court. This Court vide order dated 03.02.2026 (Annexure-D to the writ petition) dismissed the said petition. Being aggrieved, the petitioner preferred Special Leave Petition (Criminal) Diary No.17076/2026 before the Hon'ble Supreme Court. Vide order dated 16.07.2026 (Annexure-E to the writ petition) the Hon'ble Supreme Court dismissed the Special Leave Petition filed by the petitioner.

5. It is pertinent to note here that before the Supreme Court, the petitioner sought for time to pay the amount and 2 months time was granted to the petitioner to comply with the judgment, which was impugned before the Supreme Court.

6. Admittedly, till date, the petitioner has not complied with the order of the Supreme Court. In the meanwhile, the first respondent has filed Criminal Miscellaneous No.405/2026 for enforcement of the judgment passed by the Sessions Court,

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which is pending consideration. At this juncture, the present writ petition is filed.

7. Although, it is the vehement contention of the learned counsel for the petitioner that the present petition is filed seeking for post conviction settlement by compounding the offence under Section 138 of the NI Act, having regard to the admitted position that the petitioner has not complied with the undertaking that was given before the Supreme Court and having regard to the fact that the petitioner has other remedies available under law, the question of entertaining the present petition does not arise.

8. It is further pertinent to note that the present petition is a classic case of the abuse of the process of this Court and has been initiated only to frustrate the attempts of the first respondent, who has succeeded in the proceedings against the petitioner under the provisions of the NI Act.

9. Accordingly, the present writ petition is dismissed with costs of Rs.50,000/-. The first respondent shall be entitled to recover the costs from the petitioner in the proceedings for

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enforcement of the orders passed under the provisions of the NI Act.

10. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

ND/List No.: 1 Sl No.: 49