HC-KAR

NC: 2026:KHC:59934
WP No. 35935 of 2024

CNR: KAHC010764792024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.35935 OF 2024 (GM-RES)

BETWEEN:

MR SIVA RAMA KRISHNA MULPURI
S/O LATE SRI RUSHYA RAO
AGED ABOUT 71 YEARS
8-2-309/1-8 FLAT NO.F3
TRENDSET VANTAGE, ROAD NO.14,
BANJARA HILLS, KHAIRTABAD
HYDERABAD, ANDHRA PRADESH-500 034

…PETITIONER

(BY SRI SHARAN B.T, ADVOCATE)

AND:

MRS NIRMALA PRAMOD
W/O SRI PRAMOD KUMAR SHIVASHANKAR
AGED ABOUT 45 YEARS
R/AT NO.304, 19TH MAIN
NANDINI LAYOUT
BENGALURU – 560 096

…RESPONDENT

(RESPONDENT –SERVED)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE IMPUGNED PROCEEDINGS QUA THE PETITIONER IN CC NO.54985/2021 PENDING BEFORE THE COURT OF ADDL. JUDGE, ACMM, COURT OF SMALL CAUSES (SCCH-19) MAYOHALL, BENGALURU AS AGAINST THIS PETITIONER I.E. ACCUSED NO. 10 BEFORE THE TRIAL COURT (ANNEXURE-A) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Sharan B.T. learned counsel for the petitioner. Respondent served with notice, has remained absent.

2. Petitioner being accused No.10 is challenging the order of issue of non-bailable warrant by the learned Trial Magistrate.

3. In fact, criminal case against the petitioner stood dropped at the time of order taking cognizance passed by the learned Trial Magistrate on 09.09.2021.

4. The relevant portion of the said order is extracted hereunder for ready reference.

> *"Office to register a criminal case against the accused No.1 to 9 for the offence punishable u/S 138 N.I.Act. The complaint has dismissed against accused No.10"*

5. However, the criminal case stood transferred to another Magistrate on account of reallocation.

6. Inadvertently the transferee Court Magistrate has issued non-bailable warrant against the petitioner ignoring the order dated 09.09.2021. Order issuing the non-bailable warrant is called in question in the present petition.

7. Having heard the learned counsel for the petitioner, perused the material on record meticulously, in the absence of the respondent who is served with the notice of the petition.

8. This Court is satisfied that issuance of the non-bailable warrant against the petitioner is nothing but abuse of process of law.

9. Hence, the following:

ORDER

(i) Petition is ***allowed***.

(ii) Order dated 13.03.2024 passed in C.C.No.54985/2021 on the file of the Additional Judge, ACMM, Court of Small Causes (SCCH-19, Mayo Hall, Bengaluru, is hereby quashed *qua* petitioner.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 53/CT:VRR