



CNR: KAHC010624762025

NC: 2026:KHC:53788
CRL.P No. 13411 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 13411 OF 2025

(482(Cr.PC) / 528(BNSS))

BETWEEN:

MR. UMESH K G
S/O LATE GANGAIAH,
AGED ABOUT 49 YEARS
RESIDING AT NO. 136, 10TH B CROSS,
SANJEEVAPPA LAYOUT,
NAGAVARAPALYA,
C.V. RAMAN NAGAR POST,
BENGALURU-560093,

...PETITIONER

(BY SRI. K CHANDRANATH ARIGA.,ADVOCATE)

AND:

1. SMT. BHARATHI H N
W/O LATE K.B. MANJUNATH
AGED ABOUT 48 YEARS,
KORALAHALLI, KACHINAKATTE POST 577203
SHIVAMOGGA
PRESENTLY
RESIDING AT NO.163,
BEHIND SAPTHAGIRI APARTMENT,
14TH BLOCK E NAGAVARAPALYA,
BENGALURU-560093

...RESPONDENT

(BY SRI. K VISHWANATHA.,ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CC NO.1195/2023 ON THE FILE OF IV ADDL.CIVIL JUDGE AND JMFC,



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SHIVAMOGGA IN SO FAR AS THE PETITIONER IS CONCERNED
(ANNEXURE -Q)

B. SET ASIDE THE ORDER DATED 22.02.2023 TO REGISTER
CRIMINAL CASE AGAINST THE ACCUSED IN CC NO.1195/2023 ON
THE FILE OF IV ADDL.CIVIL JUDGE AND JMFC, SHIVAMOGGA IN SO
FAR AS THE PETITIONER IS CONCERNED (ANNEXURE -Q)

C. QUASH THE COMPLAINT IN CC NO.1195/2023 ON THE FILE OF IV
ADDL.CIVIL JUDGE AND JMFC, SHIVAMOGGA IN SO FAR AS THE
PETITIONER IS CONCERNED (ANNEXURE -A) AND

ALLOW THIS PETITION

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioner is before this Court seeking for the
following reliefs:

- a) *Quash the entire proceedings in CC No.1195/2023
on the file of IV Addl.Civil Judge and JMFC,
Shivamogga in so far as the Petitioner is concerned
(Annexure -Q);*
- b) *Set aside the order dated 22.02.2023 to register
criminal case against the accused in CC
No.1195/2023 on the file of IV Addl.Civil Judge and
JMFC, Shivamogga in so far as the Petitioner is
concerned (Annexure -Q);*
- c) *Quash the complaint in CC No.1195/2023 on the
file of IV Addl.Civil Judge and JMFC, Shivamogga in
so far as the Petitioner is concerned (Annexure -A);*
- d) *Allow this Petition.*



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e) Pass any such other order this Hon'ble Court deems fit.

2. The respondent filed a private complaint under Section 200 of the Code of Criminal Procedure, 1973, read with Section 138 of the Negotiable Instruments Act, 1881. Upon recording of the sworn statement, summons came to be issued and the matter was registered as C.C. No. 1195/2023, which is pending on the file of the IV Additional Civil Judge and JMFC, Shivamogga. The petitioner is before this Court questioning the issuance of process and continuation of the proceedings pursuant to the order dated 22.02.2023.
3. Sri K. Chandranath Ariga, learned counsel appearing for the petitioner, submits that, even according to the complaint, the respondent had invested in the chit fund scheme conducted by the petitioner by paying a sum of ₹1,50,000/- per month for a period of 24 months, with an alleged assurance by the petitioner that a sum of ₹40,00,000/- would be paid at the end of the scheme. It is contended that, despite the scheme having come to an end on 05.12.2018, the amount was not paid.



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4. It is further submitted that the complainant visited the house of the petitioner on several occasions seeking payment and, when the amount was not paid, she was allegedly abused in filthy language. In that background, the respondent lodged a complaint before the jurisdictional police, which came to be registered as Crime No. 131/2019. Investigation was thereafter completed and a charge-sheet was filed, pursuant to which the matter was registered as C.C. No. 54297/2021.
5. Learned counsel for the petitioner submits that, according to the respondent herself, when the said proceedings had reached the stage of evidence, the petitioner is alleged to have approached the respondent with an offer to pay a sum of ₹40,00,000/-. It is in that background that cheque bearing No. 000065 drawn on HDFC Bank and dated 13.12.2022 is stated to have been issued. His contention is that C.C. No. 54297/2021 had not reached the stage of recording of evidence as on 13.12.2022, since the evidence of CW1 was recorded only on 24.07.2024. Therefore, according to him, the very assertion that the cheque was issued when the matter had reached the stage of evidence is rendered improbable.



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6. Secondly, learned counsel submits that, while the private complaint refers to cheque No. 000065 drawn on HDFC Bank, the statement of the respondent recorded by the police in connection with a complaint lodged by the petitioner refers to cheque No. 000068. It is therefore contended that there is a material discrepancy with regard to the identity of the cheque and, consequently, the proceedings under Section 138 of the Negotiable Instruments Act could not have been initiated or continued in respect of cheque No. 000065.
7. Heard the learned counsel for the petitioner and perused the material on record.
8. The two principal contentions urged on behalf of the petitioner are: first, that the evidence in C.C. No. 54297/2021 was recorded only on 24.07.2024 and, therefore, the cheque dated 13.12.2022 could not have been issued when the matter had reached the stage of evidence; and secondly, that there is a discrepancy between the cheque numbers referred to in the private complaint and in the statement subsequently given by the respondent to the police.
9. Insofar as the first contention is concerned, a perusal of the order sheet in C.C. No. 54297/2021 indicates



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that the petitioner herein, who was the accused in the said proceedings, entered appearance on 04.07.2022. Orders relating to bail were thereafter passed and the surety was accepted. The substance of the accusation was explained to the petitioner on 10.08.2022 and the matter was posted for evidence of CW1 on 10.11.2022.

10. The order sheet further indicates that the accused remained absent on 10.11.2022, 23.12.2022, 02.02.2023 and 03.05.2023. Thereafter, on 24.08.2023, noticing the continued absence of the accused, the trial Court issued a non-bailable warrant, returnable by 17.10.2023. On 17.10.2023, the accused continued to remain absent and, though an exemption petition was filed, the non-bailable warrant was re-issued. On 11.12.2023, CW1 was present but sought time. Subsequently, proclamation proceedings were ordered on 10.06.2024 and, thereafter, on 24.07.2024, the evidence of CW1 came to be recorded.
11. The relevant expression in the complaint is that, when the matter had reached the stage of evidence, the accused approached the complainant for a compromise. The said assertion cannot be construed



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to mean that the approach was made only after the evidence of CW1 had actually been recorded. The order sheet clearly demonstrates that the matter had been posted for recording of evidence as early as 10.11.2022. Thus, the fact that the actual evidence of CW1 came to be recorded only on 24.07.2024 does not, by itself, render it impossible for the petitioner to have approached the respondent for settlement and issued the cheque dated 13.12.2022.

12. It is also relevant that, in the interregnum, the petitioner continued to remain absent before the trial Court. Consequently, the contention that the cheque dated 13.12.2022 could not have been issued on the ground that evidence was actually recorded only on 24.07.2024 proceeds on a premise which cannot be accepted. The said contention is, accordingly, rejected.
13. Insofar as the discrepancy in the cheque number is concerned, reliance is placed upon the statement of the respondent dated 05.04.2025, which was recorded pursuant to a complaint lodged by the petitioner. The said statement refers to cheque No. 000068 drawn on HDFC Bank, whereas the private complaint refers to cheque No. 000065.



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14. The discrepancy is a matter which would require appreciation of the material on record and, if necessary, examination of the parties and the relevant documents during the course of trial. At this stage, this Court cannot conclusively determine whether the discrepancy is attributable to a typographical or inadvertent error, an error in recording the statement, or whether it relates to the actual identity of the cheque said to have been issued. These are matters of fact which cannot appropriately be adjudicated in proceedings seeking quashing of the complaint.
15. More importantly, the existence of such a discrepancy, by itself, does not render the complaint liable to be quashed when the complainant has specifically pleaded the issuance of cheque No. 000065 and the other foundational facts constituting the alleged offence under Section 138 of the Negotiable Instruments Act. The evidentiary effect of the discrepancy, if any, is a matter to be considered by the trial Court upon appreciation of the evidence.
16. At the stage of considering a petition seeking quashing of proceedings, this Court is not required to undertake a detailed appreciation of disputed



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questions of fact or test the veracity of the allegations by weighing the rival versions. The material relied upon by the petitioner raises matters which are essentially factual and which can be effectively adjudicated only upon evidence being led before the trial Court.

17. In that view of the matter, this Court finds no ground to interfere with the order dated 22.02.2023 issuing process in C.C. No. 1195/2023. The petition is accordingly liable to be dismissed.
18. In that view of the matter, this Court passes the following:

ORDER

No grounds being made out, the petition stands ***dismissed.***



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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 31