



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

CRIMINAL PETITION NO. 2458 OF 2021

BETWEEN:

1. SRI GAJANANA SHIVARAMA BHAT
S/O LATE SHIVARAMA BHAT
AGED ABOUT 66 YEARS
R/A DOOR NO.122
GUDENAGADI
KUMATA-581351

...PETITIONER

(BY SMT.POOJA KATTIMANI., ADVOCATE FOR
SRI. DINESH KUMAR RAO K.,ADVOCATE)

AND:

1. SMT LALITHA MANI
W/O V. MANJUNATHA
MAJOR
R/O NO.19, 2ND CROSS
OPP. AYYAPPA BAKERY
BHOOPASANDRA MAIN ROAD
BENGALURU-560098.

...RESPONDENT

(BY SRI.NARASIMHA RAJU.,ADVOCATE)

Digitally
signed by
GEETHA P G
Location:
HIGH
COURT OF
KARNATAKA



THIS CRL.PETITION IS FILED U/S.482 OF CR.P.C
PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO
QUASH THE ENTIRE CRIMINAL PROCEEDINGS AGAINST
PETITIONER IN C.C.NO.571/2021 PENDING ON THE FILE OF
XVIII A.C.M.M., AT BENGALURU (REGISTERED FOR THE
OFFENCE P/U/S 138 OF THE N.I ACT) IN THE INTEREST OF
JUSTICE.

THIS PETITION, COMING ON FOR ADMISSION THROUGH
VIDEO CONFERENCING / PHYSICAL HEARING, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

The respondent has filed a private complaint under
Section 200 of the Code of Criminal Procedure, 1973 (for
short, 'the Cr.PC') alleging the dishonour of cheques
issued by the petitioner in her favour towards a legally
dischargeable debt. The case is presently numbered as
C.C.No.571/2021, which is pending on the file of the XVIII
Additional Chief Metropolitan Magistrate, Bengaluru. The



said proceedings have been assailed in the present criminal petition and the same is filed with the following prayers:

"It is therefore prayed that this Hon'ble High Court may be pleased to quash the entire criminal proceedings against Petitioner in C.C.No.571/2021 pending on the file of XVIII Addl.Chief Metropolitan Magistrate, Bengaluru (registered for offence punishable under section 138 of Negotiable Instruments Act) in the interest of justice."

2. The case of the petitioner is that the petitioner and the respondent had financial transactions only up to the year 2014, whereas the cheque was presented to the bank in the year 2020 and the same is not valid. It is submitted that the petitioner has already repaid all the amounts due to the respondent and a cheque issued without a date has been misused by the respondent by filing the date and presenting it to the bank in the year 2020. It is submitted that the trial Court should not entertain the same. On the said ground, it is prayed that the petition be allowed.



3. *Per contra*, learned counsel for the respondent submits that the cheque has been issued by the petitioner towards repayment of a legally enforceable debt and he in fact owe money to the respondent and it is submitted that the trial Court did not commit any error in proceeding with C.C.No.571/2021. On the said ground, it is prayed that the petition be dismissed.

4. Admittedly, the cheque has been deposited with the bank in accordance with law. After dishonour of the same, notice has been issued in accordance with law and thereafter complaint has been filed in accordance with law.

5. Whether the petitioner owes any money to the respondent or not is a matter of trial. Similarly, whether the cheque issued by the petitioner to the respondent was undated and subsequently, the respondent misused the same by inserting the date of her choice is also a matter of trial. These issues do not constitute a ground for interference by this Court in the exercise of its powers under Section 482 of Cr.P.C.



6. For the aforementioned reasons, the Criminal Petition is hereby ***dismissed***. It is hereby made clear that no opinion is expressed on the merits of the case and the trial Court shall decide the same in accordance with law based on the evidence let in before it.

**Sd/-
(M.I.ARUN)
JUDGE**

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List No.: 1 Sl No.: 13