



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.100043 OF 2022

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

BETWEEN:

SHRI. PRATAPSINGH S/O. TULAJARAM THAKUR,
AGE. 62 YEARS, OCC. AGRICULTURE,
R/O. H.NO.147, MATH GALLI, HOSUR,
SHAHAPUR, TQ. AND DIST. BELAGAVI-590003.

...PETITIONER

(BY SRI. SANTOSH B.RAWOOT, ADVOCATE)

AND:

SHRI. PRASHANT S/O. PRABHAKAR AJAGAONKAR,
AGE. 49 YEARS, OCC. SELF EMPLOYED,
R/O. COURT STREET, CAMP,
TQ. AND DIST. BELAGAVI-590001.

...RESPONDENT

(NOTICE TO R2 IS SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE ORDER DATED 22.01.2021 TAKING COGNIZANCE OF CASE AGAINST THE ACCUSED AND ENTIRE PROCEEDINGS BY THE JMFC-VII BELAGAVI IN CC NO.66/2021 FOR THE OFFENCE PUNISHABLE UNDER SECTION 138 OF N.I. ACT AGAINST THE PETITIONER/ACCUSED AND ETC.,.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE





ORAL ORDER

1. Heard the learned counsel for the petitioner.
2. Though served with notice, the respondent is not present before the Court.
3. The petitioner has challenged the order taking cognizance for the alleged offence punishable under Section 138 of the Negotiable Instruments Act and also the order passed by the Trial Court on the maintainability of the complaint.
4. The Court has considered the contentions raised in the petition and also perused the records as well as the impugned orders.
5. Learned counsel for the petitioner would submit that cheque issued to the complainant in respect of a land transaction is misused to create a concocted story mentioned in the complaint. Thus, it is his contention that the complaint is not maintainable in law.
6. The Court is of the view that all the contentions which are raised before this Court fall in the realm of disputed



questions of fact. These facts are required to be tried before the Trial Court and the defence of the accused has to be adjudicated before the Trial Court.

7. Under the circumstances, the present petition cannot be entertained and accordingly ***dismissed***.

8. Liberty is reserved to the petitioner to raise all contentions before the Trial Court in his defence.

9. It is made clear that observations made on dismissal of the present petition should not be construed as observations on the merits of the matter.

10. All contentions of both sides kept open.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

RHR
CT: UMD
List No.: 1 Sl No.: 30