



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 02ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 100377 OF 2025
(482(CR.PC)/528(BNSS))

C/W

CRIMINAL PETITION NO. 100378 OF 2025
CRIMINAL PETITION NO. 100379 OF 2025
CRIMINAL PETITION NO. 100382 OF 2025
CRIMINAL PETITION NO. 100385 OF 2025
CRIMINAL PETITION NO. 100386 OF 2025

IN CRL.P NO. 100377/2025

BETWEEN:

1. M/S ZEST METAL MINERALS LLP
A PARTNERSHIP FIRM,
HAVING ITS REGD. OFFICE AT 1276/A,
MAIN BAZAAR ROAD, SANDUR-583119
DIST. BALLARI, R/BY ITS AUTHORISED SIGNATORY
B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS, OCC. BUSINESS,
R/O. HOUSE NO.381, 14TH WARD,
NEW CHAPPARADAHALLI, NEAR ZANDA KATTA,
SANDUR, DIST. BALLARI-583119.
2. SMT. M. ASHARANI W/O. M. SHIVARAJ
D/O. CHIDANANDAPPA SALI,
AGE. 36 YEARS, OCC. PARTNER
OF M/S. ZEST METAL MINERALS LLP,
R/O. 6TH WARD, MAIN BAZAAR,
SANDUR, DIST. BALLARI-583119.
3. SMT. SHEELA W/O. B. CHIRANJIVI
D/O. KUDUTINI VEERANNA VENKATESH,
AGE. 42 YEARS, OCC. PARTNER
OF M/S ZEST METAL MINERALS LLP,
R/O. HOUSE NO.381, 14TH WARD,
NEW CHAPPARADAHALLI, NEAR ZANDA KATTA,
SANDUR, DIST. BALLARI-583119.





NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

4. M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS,
OCC. DRIVER OF M/S. ZEST METAL MINERALS LLP,
R/O. 67, ELIGAR STREET, SANDUR,
DIST. BALLARI-583119.
5. B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS,
OCC. DIRECTOR OF M/S ZEST METAL MINERALS LLP
R/O. HOUSE NO.381, 14TH WARD,
NEAR CHAPPARADAHALLI, NEAR ZANDA KATTA,
SANDUR, DIST. BALLARI-583119.
6. G. SANTOSH KUMAR S/O. GIRIDHAR
AGE. 45 YEARS,
OCC. DIRECTOR OF M/S. ZEST METAL MINERALS LLP
R/O. 169, 14TH WARD, NEAR OLD BUS STOP,
L.B. COLONY, SANDUR, DIST. BALLARI-583119.

...PETITIONERS

(BY SRI. SHIVARAJ S. BALLOLI, ADVOCATE)

AND:

SHRI. GOGGA BASAVA KUMAR
S/O. GOGGA GURUSIDDAIAH
AGE. 28 YEARS, OCC. BUSINESS,
R/O. N.C. COLONY, HOSAPETE,
DIST. VIJAYANAGAR-583203.

...RESPONDENT

(BY SRI. MANJUNATH GANTI, ADVOCATE FOR SRI. PRUTHVIRAJ P. HITTALAMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, PRAYING TO ALLOW THE PETITION AND SET ASIDE THE IMPUGNED ORDER DATED 05.11.2024 PASSED BY THE PRL.CIVIL JUDGE AND JMFC, HOSAPETE IN PCR NO.851/2024 AND CONSEQUENTLY QUASH THE ENTIRE PROCEEDINGS IN CC NO.7737/2024 PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND JMFC, HOSAPETE FOR THE COMMISSION OF ALLEGED OFFENCES PUNISHABLE U/S 138 OF N.I. ACT, IN SO FAR AS THE PETITIONERS/ACCUSED NO.1 TO 6 ARE CONCERNED.



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

IN CRL.P NO. 100378/2025
BETWEEN:

1. M/S ZEST FERRO BENIFICATION PVT. LTD.,
A PARTNERSHIP FIRM, HAVING ITS REGD.
OFFICE AT 1276/A, MAIN BAZAAR ROAD,
SANDUR-583119 DIST. BALLARI,
R/BY ITS AUTHORISED SIGNATORY
M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. ZEST FERRO BENIFICATION PVT. LTD.,
R/O. 67, ELIGAR STREET,
SANDUR, DIST. BALLARI-583119.
 2. M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. FERRO BENEFICATION PVT. LTD.,
R/O. 67, ELIGAR STREET, TQ. SANDUR,
DIST. BALLARI-583119.
 3. B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS, OCC. DIRECTOR OF
M/S FERRO BENEFICATION PVT. LTD.,
R/O. HOUSE NO.381, 14TH WARD,
NEAR CHAPPARADAHALLI,
NEAR ZANDA KATTA,
TQ. SANDUR, DIST. BALLARI-583119.
 4. G. SANTOSH KUMAR S/O. GIRIDHAR
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. FERRO BENEFICATION PVT. LTD.,
R/O. 169, 14TH WARD, NEAR OLD BUS STOP,
L.B. COLONY, TQ. SANDUR, DIST. BALLARI-583119.
- ...PETITIONERS
- (BY SRI. SHIVARAJ S. BALLOLI, ADVOCATE)

AND:

- SHRI. GOGGA BASAVA KUMAR
S/O. GOGGA GURUSIDDAIAH
AGE. 28 YEARS, OCC. BUSINESS,
R/O. N.C. COLONY, HOSAPETE,
DIST. VIJAYANAGAR-583203.
- ...RESPONDENT
- (BY SRI. MANJUNATH GANTI, ADVOCATE FOR SRI. PRUTHVIRAJ)



P. HITTALAMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (528 OF BNSS), PRAYING TO ALLOW THE PETITION AND SET ASIDE THE IMPUGNED ORDER DATED 05.11.2024 PASSED BY THE PRL.CIVIL JUDGE AND JMFC, HOSAPETE IN PCR NO.855/2024 (NOW NUMBERED AS CC NO.7765/2024) AND CONSEQUENTLY QUASH THE ENTIRE PROCEEDINGS IN CC NO.7765/2024 PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND JMFC, HOSAPETE FOR THE COMMISSION OF ALLEGED OFFENCES PUNISHABLE U/S 138 OF N.I. ACT, IN SO FAR AS THE PETITIONERS/ACCUSED NO.1 TO 4 ARE CONCERNED.

IN CRL.P NO. 100379/2025
BETWEEN:

1. M/S ZEST METAL MINERALS LLP
A PARTNERSHIP FIRM,
HAVING ITS REGD. OFFICE AT 1276/A,
MAIN BAZAAR ROAD, SANDUR-583119
DIST. BALLARI,
R/BY ITS AUTHORISED SIGNATORY

B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS, OCC. BUSINESS,
R/O. HOUSE NO.381, 14TH WARD,
NEW CHAPPARADAHALLI,
NEAR ZANDA KATTA, SANDUR,
DIST. BALLARI-583119.
2. SMT. M. ASHARANI W/O. M. SHIVARAJ
D/O. CHIDANANDAPPA SALI,
AGE. 36 YEARS, OCC. PARTNER OF
M/S. ZEST METAL MINERALS LLP,
R/O. 6TH WARD, MAIN BAZAAR,
SANDUR, DIST. BALLARI-583119.
3. SMT. SHEELA W/O. B. CHIRANJIVI
D/O. KUDUTINI VEERANNA VENKATESH,
AGE. 42 YEARS, OCC. PARTNER OF



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

M/S ZEST METAL MINERALS LLP
R/O. HOUSE NO.381, 14TH WARD,
NEW CHAPPARADAHALLI, NEAR ZANDA KATTA,
SANDUR, DIST. BALLARI-583119.

4. M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS, OCC. DRIVER OF
M/S. ZEST METAL MINERALS LLP,
R/O. 67, ELIGAR STREET, SANDUR,
DIST. BALLARI-583119.
 5. B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS, OCC. DIRECTOR OF
M/S ZEST METAL MINERALS LLP
R/O. HOUSE NO.381, 14TH WARD,
NEAR CHAPPARADAHALLI, NEAR ZANDA KATTA,
SANDUR, DIST. BALLARI-583119.
 6. G. SANTOSH KUMAR S/O. GIRIDHAR
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. ZEST METAL MINERALS LLP
R/O. 169, 14TH WARD, NEAR OLD BUS STOP,
L.B. COLONY, SANDUR, DIST. BALLARI-583119.
- ...PETITIONERS
- (BY SRI. SHIVARAJ S. BALLOLI, ADVOCATE)

AND:

SHRI. GOGGA GURUSIDDAIAH
S/O. GOGGA CHANNABASIAH
AGE. 55 YEARS, OCC. BUSINESS,
R/O. N.C. COLONY, HOSAPETE,
DIST. VIJAYANAGAR-583203.

...RESPONDENT

(BY SRI. MANJUNATH GANTI, ADVOCATE FOR SRI. PRUTHVIRAJ
P. HITTALAMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528
OF BNSS 2023, PRAYING TO ALLOW THE PETITION AND SET
ASIDE THE IMPUGNED ORDER DATED 05.11.2024 PASSED BY
THE PRL.CIVIL JUDGE AND JMFC, HOSAPETE IN PCR
NO.854/2024 AND CONSEQUENTLY QUASH THE ENTIRE



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

PROCEEDINGS IN CC NO.7764/2024 PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND JMFC, HOSAPETE FOR THE COMMISSION OF ALLEGED OFFENCES PUNISHABLE U/S 138 OF N.I. ACT, IN SO FAR AS THE PETITIONERS/ACCUSED NO.1 TO 6 ARE CONCERNED.

IN CRL.P NO. 100382/2025
BETWEEN:

1. M/S ZEST METAL MINERALS LLP
A PARTNERSHIP FIRM,
HAVING ITS REGD. OFFICE AT 1276/A,
MAIN BAZAAR ROAD, SANDUR-583119
DIST. BALLARI,
R/BY ITS AUTHORIZED SIGNATORY

B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS, OCC. BUSINESS,
R/O. HOUSE NO.381, 14TH WARD,
NEW CHAPPARADAHALLI,
NEAR ZANDA KATTA, SANDUR,
DIST. BALLARI-583119.
2. SMT. M. ASHARANI W/O. M. SHIVARAJ
D/O. CHIDANANDAPPA SALI,
AGE. 36 YEARS, OCC. PARTNER OF
M/S. ZEST METAL MINERALS LLP,
R/O. 6TH WARD, MAIN BAZAAR,
SANDUR, DIST. BALLARI-583119.
3. SMT. SHEELA W/O. B. CHIRANJIVI
D/O. KUDUTINI VEERANNA VENKATESH,
AGE. 42 YEARS, OCC. PARTNER OF
M/S ZEST METAL MINERALS LLP
R/O. HOUSE NO.381, 14TH WARD,
NEW CHAPPARADAHALLI, NEAR ZANDA KATTA,
SANDUR, DIST. BALLARI-583119.
4. M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS, OCC. DRIVER OF
M/S. ZEST METAL MINERALS LLP,
R/O. 67, ELIGAR STREET,
SANDUR, DIST. BALLARI-583119.



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

5. B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS, OCC. DIRECTOR OF
M/S ZEST METAL MINERALS LLP
R/O. HOUSE NO.381, 14TH WARD,
NEAR CHAPPARADAHALLI, NEAR ZANDA KATTA,
SANDUR, DIST. BALLARI-583119.
6. G. SANTOSH KUMAR S/O. GIRIDHAR
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. ZEST METAL MINERALS LLP
R/O. 169, 14TH WARD, NEAR OLD BUS STOP,
L.B. COLONY, SANDUR, DIST. BALLARI-583119.

...PETITIONERS

(BY SRI. SHIVARAJ S. BALLOLI, ADVOCATE)

AND:

SHRI. GOGGA KARTHIK SWAMY
S/O. GOGGA CHANNABASAVARAJ
AGE. 45 YEARS, OCC. BUSINESS,
R/O. N. C. COLONY, HOSAPETE,
DIST. VIJAYANAGAR-583203.

...RESPONDENT

(BY SRI. MANJUNATH GANTI, ADVOCATE FOR SRI. PRUTHVIRAJ
P. HITTALAMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS 2023, SEEKING TO ALLOW THE PETITION AND SET ASIDE THE IMPUGNED ORDER DATED 05.11.2024 PASSED BY THE PRINCIPAL CIVIL JUDGE AND JMFC, HOSAPETE IN PCR NO. 853/2024 (NOW C.C.NO. 7763/2024) AND CONSEQUENTLY, QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.7763/2024 PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, HOSAPETE FOR THE COMMISSION OF ALLEGED OFFENCES PUNISHABLE U/S 138 OF N.I. ACT, IN SO FAR AS THE PETITIONERS/ACCUSED NO. 1 TO 6 ARE CONCERNED.



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

IN CRL.P NO. 100385/2025
BETWEEN:

1. M/S ZEST FERRO BENEFICATION PVT. LTD.,
A PARTNERSHIP FIRM,
HAVING ITS REGD. OFFICE AT 1276/A,
MAIN BAZAAR ROAD, SANDUR-583119 DIST. BALLARI,
R/BY ITS AUTHORISED SIGNATORY
M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. ZEST FERRO BENEFICATION PVT. LTD.,
R/O. 67, ELIGAR STREET, SANDUR,
DIST. BALLARI-583119.
2. M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 44 YEARS, OCC. DIRECTOR OF
M/S. FERRO BENEFICATION PVT. LTD.,
R/O. 67, ELIGAR STREET,
TQ. SANDUR, DIST. BALLARI-583119.
3. B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 47 YEARS, OCC. DIRECTOR OF
M/S FERRO BENEFICATION PVT. LTD.,
R/O. HOUSE NO.381, 14TH WARD,
NEAR CHAPPARADAHALLI,
NEAR ZANDA KATTA, TQ. SANDUR,
DIST. BALLARI-583119.
4. G. SANTOSH KUMAR S/O. GIRIDHAR
AGE. 44 YEARS, OCC. DIRECTOR OF
M/S. FERRO BENEFICATION PVT. LTD.,
R/O. 169, 14TH WARD, NEAR OLD BUS STOP,
L.B. COLONY, TQ. SANDUR,
DIST. BALLARI-583119.

...PETITIONERS

(BY SRI. SHIVARAJ S. BALLOLI, ADVOCATE)

AND:

SHRI. GOGGA KARTHIKSWAMY S/O GOGGA
CHANNABASIAH
AGE. 55 YEARS, OCC. BUSINESS,
R/O. N. C. COLONY, HOSAPETE,
DIST. VIJAYANAGAR-583201.

...RESPONDENT



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

(BY SRI. MANJUNATH GANTI, ADVOCATE FOR SRI. PRUTHVIRAJ
P. HITTALAMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION U/S.
528 OF BNSS, 2023 PRAYING TO ALLOW THE PETITION AND SET
ASIDE THE IMPUGNED ORDER DATED 05.11.2024 PASSED BY
THE PRINCIPAL CIVIL JUDGE AND JMFC, HOSAPETE IN PCR NO.
852/2024 (NOW C.C.NO. 7762/2024) AND CONSEQUENTLY,
QUASH THE ENTIRE PROCEEDINGS IN C.C.NO. 7762/2024
PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND
JMFC, HOSAPETE FOR THE COMMISSION OF ALLEGED OFFENCES
P/U/SEC. 138 OF NI ACT, IN SO FAR AS THE
PETITIONERS/ACCUSED NO. 1 TO 4 ARE CONCERNED.

IN CRL.P NO. 100386/2025
BETWEEN:

1. M/S ZEST FERRO BENEFICIATION PVT. LTD.,
A PARTNERSHIP FIRM,
HAVING ITS REGD. OFFICE AT 1276/A,
MAIN BAZAAR ROAD, SANDUR-583119 DIST. BALLARI,
R/BY ITS AUTHORISED SIGNATORY
M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. ZEST FERRO BENEFICATION PVT. LTD.,
R/O. 67, ELIGAR STREET, SANDUR,
DIST. BALLARI-583119.
2. M. SHIVARAJ S/O. M. SHANKRAPPA
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. FERRO BENEFICATION PVT. LTD.,
R/O. 67, ELIGAR STREET, TQ. SANDUR,
DIST. BALLARI-583119.
3. B. CHIRANJIVI S/O. K. BUDDANNA
AGE. 48 YEARS, OCC. DIRECTOR OF
M/S FERRO BENEFICATION PVT. LTD.,
R/O. HOUSE NO.381, 14TH WARD,
NEAR CHAPPARADAHALLI, NEAR ZANDA KATTA,
TQ. SANDUR, DIST. BALLARI-583119.



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

4. G. SANTOSH KUMAR S/O. GIRIDHAR
AGE. 45 YEARS, OCC. DIRECTOR OF
M/S. ZEST FERRO BENEFICATION PVT. LTD.,
R/O. 169, 14TH WARD,
NEAR OLD BUS STOP, L.B. COLONY,
TQ. SANDUR, DIST. BALLARI-583119.

...PETITIONERS

(BY SRI. SHIVARAJ S. BALLOLI, ADVOCATE)

AND:

SHRI. GOGGA GURUSIDDAIAH
S/O. GOGGA CHANNABASIAH,
AGE. 55 YEARS, OCC. BUSINESS,
R/O. N. C. COLONY, HOSAPETE,
DIST. VIJAYANAGAR-583203.

...RESPONDENT

(BY SRI. MANJUNATH GANTI, ADVOCATE FOR SRI. PRUTHVIRAJ
P. HITTALAMANI, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528
OF BNSS, 2023 SEEKING TO ALLOW THE PETITION AND SET
ASIDE THE IMPUGNED ORDER DATED 05.11.2024 PASSED BY
THE PRINCIPAL CIVIL JUDGE AND JMFC, HOSAPETE IN PCR NO.
850/2024 (NOW C.C.NO. 7761/2024) AND CONSEQUENTLY,
QUASH THE ENTIRE PROCEEDINGS IN C.C.NO. 7761/2024
PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND
JMFC, HOSAPETE FOR THE COMMISSION OF ALLEGED OFFENCES
P/U/SEC. 138 OF NI ACT, IN SO FAR AS THE
PETITIONERS/ACCUSED NO. 1 TO 4 ARE CONCERNED.

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



ORAL ORDER

Heard Sri Shivraj S. Ballolli, learned counsel for the petitioners, Sri Manjunath Ganti, advocate for Sri Pruthviraj P. Hittalamani, learned counsel for the respondent.

2. Petitioners are the accused challenging the Order passed by the learned Trial Magistrate in C.C.No.7737/2024, C.C.No.7765/2024, C.C.No.7764/2024, C.C.No.7763/2024, C.C.No.7762/2024 and C.C.No.7761/2024.

3. The ground for quashing of the proceedings is that, as per Section 223 of Bharatiya Nagarik Suraksha Sanhita, before taking cognizance, accused must be heard. As such, taking cognizance is incorrect.

4. It is settled principles of law and requires no emphasis that the provisions of Bharatiya Nagarik Suraksha Sanhita, would not be applicable to the trial under Section 138 of the Negotiable Instrument Act, as proceedings for the said offence under Section 138 of the Negotiable Instrument is stand alone statute. Only to fill up the vacuum in the procedure, provisions of Bharatiya Nagarik Suraksha Sanhita, can be imported.



NC: 2026:KHC-D:1433
CRL.P No. 100377 of 2025
C/W CRL.P No. 100378 of 2025
CRL.P No. 100379 of 2025
AND 3 OTHERS

5. Therefore, the contentions urged on behalf of the petitioners cannot be countenanced in law.

6. Accordingly, the following:

ORDER

(i) Petitions are ***dismissed***.

(ii) However, all the available defences to the petitioners in all these cases are kept open to be urged in the trial in accordance with law.

Sd/-
(V.SRISHANANDA)
JUDGE

kcm,
CT:CMU
LIST NO.: 3 SL NO.: 31