



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 5TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL PETITION NO. 100787 OF 2021
(482(CR.PC)/528(BNSS))

BETWEEN:

M/S. VENKATESHWARA POWER PROJECT LTD. (SUGAR
FACTORY)
POST. BEDAKIHAL, TQ. CHIKKODI,
R/BY SHRI. RAKESH RAMGOUDA PATIL
AGE. 42 YEARS, OCC. SERVING AS CLERK
IN V.P.P. (S.F.) LTD.,
R/O. BEDAKIHAL, TQ. CHIKKODI, DIST. BELAGAVI-
591214.

...PETITIONER

(BY SRI. SANJAY S. KATAGERI, ADVOCATE)

AND:

SHRI. BABAN HANUMANT KOLEKAR
AGE. MAJOR, OCC. HARVESTING CONTRACTOR,
R/O. KAREWADI, TQ. JAT, DIST. SANGLI,
MAHARASHTRA STATE-416403.

...RESPONDENT

(NOTICE SERVED TO RESPONDENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE IMPUGNED ORDER DATED 02/09/2020 PASSED BY THE ADDL. CIVIL JUDGE AND JMFC, CHIKKODI IN C.C.NO.20/2012(PCR NO.162/2010) REGARDING MAINTAINABILITY OF THE APPLICATION FILED BY THE PETITIONER UNDER SECTION 142(2) OF THE AMENDMENT ACT OF N.I. ACT, 1881 AND ORDER DATED 01/10/2014 PASSED BY THEN I ADDL. CIVIL JUDGE AND JMFC, CHIKKODI, WHEREIN THE PETITIONER WAS DIRECTED TO PRESENT THE SAID COMPLAINT FILED UNDER SECTION 138 OF N.I. ACT, BEFORE THE JURISDICTIONAL COURT OF THE DRAWER BANK, BY ALLOWING THIS CRIMINAL PETITION, AND CONSEQUENTLY THEREBY DIRECTING THE SAID TRIAL COURT TO PROCEED THE SAID C.C.NO.20/2012 ON ITS MERITS BEFORE IT, IN THE INTEREST OF JUSTICE.





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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri.Sanjay S. Katageri, learned counsel appearing for petitioner.
2. Respondent served and unrepresented.
3. Learned counsel Sri.Sanjay S. Katageri, appearing for the petitioner would submit that, on account of Jurisdictional Issue, the earlier complaint came to be dismissed with a direction to file it before the appropriate Court. Accordingly, the complaint was withdrawn and a fresh complaint came to be filed along with an application before the same Court, noting that there had been a change in law.
4. However, the learned trial Magistrate dismissed the application and consequently dismissed the private complaint filed under Section 200 Code of Criminal Procedure, alleging the commission of an offence under Section 138 of the Negotiable Instruments Act.



5. Following the dictum of the Hon'ble Apex Court in the case of ***Jai Balaji Industries Ltd., vs. M/s. HEG Limited***¹, the dismissal of the complaint is found to be incorrect.

6. Accordingly, the following order:

ORDER

- (i) The Criminal Petition is ***allowed***.
- (ii) The impugned order dated 02.09.2020 passed in C.C. No.20 of 2012 by the Additional Civil Judge and JMFC, Chikkodi, is hereby set-aside.
- (iii) The matter is remitted to the trial Magistrate for fresh consideration and disposal in accordance with law.
- (iv) All contentions of both parties are kept open to be urged before the trial Court.

**Sd/-
(V.SRISHANANDA)
JUDGE**

RHR/- CT:CMU
LIST NO.: 1 SL NO.: 0

¹ 2025 SCC OnLine SC 2581