



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION No.104714 OF 2025 (482(CR.PC)/528(BNSS))

BETWEEN:

K. BASAVARAJ S/O. THIPPERUDRAPPA CHAPPARADAHALLI
AGE. 49 YEARS, OCC. TEACHER,
R/O. CHAPPARADAHALLI VILLAGE,
TQ. KOTTUR, DIST. VIJAYANAGARA-583134.

...PETITIONER

(BY SRI. H.N. GULARADDI, ADVOCATE)

AND:

SRI N. PRAKASH S/O. LATE GALEPPA
AGE. 46 YEARS, OCC. BUSINESS AND AGRICULTURE,
R/O. HOSAKODIHALLI VILLAGE,
TQ. KOTTUR, DIST. VIJAYANAGARA-583134

...RESPONDENT

(NOTICE SERVED TO RESPONDENT)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO QUASH THE ORDER OF TAKING COGNIZANCE BY ITS ORDER DATED: 05/04/2021 PASSED BY THE CIVIL JUDGE AND JMFC, KUDLIGI IN C.C. NO-473/2021 IN ITS P.C.R NO-20/2020 FOR THE OFFENCES PUNISHABLE UNDER SECTION 138 OF NI ACT, PRODUCED AT ANNEXURE-C, IN THE INTEREST OF JUSTICE.

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





ORAL ORDER

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

Heard Sri Gularaddi Hanumaraddi Ningaraddeppa, learned counsel for the petitioner.

2. Appellant is the accused in C.C.No.473/2021 on the file of the Civil Judge and JMFC, Kudligi, registered for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenging the Order taking cognizance and issue of process.

3. The sum and substance of the grounds urged in the petition seeking quashing of the pending criminal case is that the complainant is the holder of the instrument in due course.

4. At the most, it can be a defence for the petitioner to establish before the learned Trial Magistrate having regard to the principles of law enunciated in the case of ***Indian Bank Association and others vs. Union of India and others*** reported in ***(2014)5 SCC 590***.



5. Accordingly, the following:

ORDER

- (i) Petition is ***dismissed***.
- (ii) All the contentions and available defences to the petitioner/ accused are kept open to be urged in the pending trial, in accordance with law.

Sd/-
(V.SRISHANANDA)
JUDGE

kcm
CT-CMU
LIST NO.: 1 SL NO.: 46