



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION No.104753 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. VJAYANAGARA 583 134.

...PETITIONER

(BY SMT. KAVYA YALAGI, ADVOCATE FOR SRI. H.N. GULARADDI,
ADVOCATE)

AND:

SRI R. MANJAPPA S/O LATE SHIVANNA
AGE 56 YEARS, OCC. BUSINESS AND AGRICULTURE
R/O. KOTTUR TOWN, TQ KOTTUR,
DIST VIJAYANAGARA 583 134.

...RESPONDENT

(BY SRI. B. SIDDESWARA, ADVOCATE)



THIS CRIMINAL PETITION IS FILED U/SE. 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-474/2021 IN ITS P.C.R.NO.21/2020 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 Ms.Kavya Yalagi, advocate for Sri Gularaddi Hanumaraddi Ningaraddeppa, learned counsel for the petitioner and Sri B.Siddeswara, learned counsel for the respondent.

2. Accused is the petitioner challenging the Order taking cognizance and issue of process in respect of a complaint for the offence punishable under Section 138 of the Negotiable Instruments Act which is now pending in C.C.No.474/2021 on the file of the Civil Judge and JMFC, Kudligi.

3. The sum and substance of the grounds urged in the petition seeking quashing of the pending case is that, complainant is holder of the instrument in due course and therefore, there is no legally recoverable debt in the dishonoured cheque and sought for quashing of the pending proceedings.

4. Having heard the arguments of both sides, it is noticed that at the most, the grounds urged in the petition can be the 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.: 81