

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26<sup>TH</sup> DAY OF MARCH 2012

BEFORE

THE HON'BLE MR.JUSTICE N. ANANDA

CRIMINAL PETITION No.964/2012

BETWEEN:

1. M/s.Hotman Builders Pvt. Ltd.  
Rep. by Managing Director  
Sri S.Srinivas Murthy  
S/o late Venkateshanappa  
Aged about 55 Years  
R/at No.14, Car Street  
Doddabellapur Town  
Bangalore Rural District.

2. Sri Prashanth  
S/o B.Mahadev Kumar  
Aged 36 Years  
R/at No.315, 5<sup>th</sup> Main Road  
2<sup>nd</sup> Block, R.T.Nagar  
Bangalore – 560 032.

... Petitioners

(By Sri E.Rajagopal, Advocate)

AND:

S.C.Mohan  
S/o late Channappa  
Aged about 55 Years  
Surana Halli Village  
Kasaba Hobli  
Hole Narasipura Town  
Hassan District.

... Respondent

This petition is filed under section 482 Cr.P.C., praying to quash the proceedings of the complaints of the respondent in C.C.No.493/2010, pending before the JMFC, Holenarasipura, Hassan District.

This petition coming on for admission this day, the Court made the following:

ORDER

Heard the learned counsel for petitioners.

2. The learned counsel for petitioners would submit that complaint initiated by respondent under Section 138 of the Negotiable Instruments Act is not maintainable as notice required under Section 138 (b) of the N.I.Act was not sent on correct address of the petitioners.

3. Whether there was proper service of notice or not is a question of fact to be decided by the trial court. The petitioners are at liberty to urge this contention before the trial court.

4. The petition is dismissed with these observations.

**Sd/-  
JUDGE**

Np/-