

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated the 10<sup>th</sup> day of January 2006

: P R E S E N T :

THE HON'BLE MR.JUSTICE : V.JAGANNATHAN

CRIMINAL PETITION No. 102 / 2006

BETWEEN :

V.Vijayakumar,  
K.V.Spinning Mills Pvt.Ltd.,  
Srivilliputtur Road,  
Rajapalayam,  
M.P.Karisalkulam (PO) 626 147.

...Petitioner

( By Sri Jayakumar S.Patil & Associates, Advocates. )

A N D :

Bhimappa Durgappa Shingalapur,  
Age: Major, Cotton Business,  
Gokak, Belgaum District.

...Respondent

Criminal Petition filed under Section 482 of the  
Cr.P.C. praying to set aside/quash the order dated  
24.2.1999 in P.C.No. 162/1998 passed by the Prl.  
JMFC, Gokak.

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

ORDER

This petition under Section 482 of the Cr.P.C. is directed against the order dated 24.2.1999 passed by the Prl. J.M.F.C., Gokak, directing registration of a case in respect of an offence under Section 138 of the N.I.Act on the basis of a private complaint lodged by the respondent herein. The petitioner has sought quashing of the said order in this petition.

2. It is the petitioner's case that the respondent lodged the private complaint before the trial court in respect of two cheques which are said to have been issued by the petitioner, having been dishonoured and it is the case of the petitioner before this court that the respondent ought to have filed two separate complaints in view of Section 138 of the N.I.Act since two cheques said to have been issued by the petitioner were dishonoured. This is the only point that is urged before me on behalf of the petitioner.



3. The learned counsel for the petitioner, by referring to Section 138 of the N.I.Act, submitted that the said Section refers to a cheque issued by a person to another person and said cheque being dishonoured, <sup>and</sup> there is nothing in the said Section which provides that one complaint can be lodged in respect of two cheques issued by one person to the other person, i.e., the complainant. I find absolutely no merit in the said submission made. It is the specific case of the petitioner herein that he had issued two cheques to the respondent herein and both cheques were returned and, therefore, the respondent filed complaint before the trial court. The trial court, on perusal of the sworn statement of the complainant, had found sufficient material to proceed with the case. Since the matter is still at the preliminary stage of the case being registered against the petitioner, I do not propose to say anything on the merits of the case lest it may prejudice the case of either of the parties before the trial court.



4. For the above said reasons, the petition is lacking in merit and it is dismissed.

The observations made above shall not influence the merits of the case before the trial court.

Sd/-  
Judge

ckc/-