



CNR: KAHC010421932021

NC: 2026:KHC:43938
CRL.P No. 8801 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 8801 OF 2021

BETWEEN:

1. SRI VIJAY R
AGED ABOUT 34 YEARS
S/O LATE SRI RAMESH
R/AT NO.282
CHANGAIAH LAYOUT
14TH CROSS BASAVANAGUDI
BENGALURU - 560 028.
2. SRI RAMESH M.,
AGED ABOUT 38 YEARS
S/O LATE SRI MADHAVA REDDY
RESIDING AT NO.9,
CHOWDESHWARI NILAYA
1ST CROSS, KANAKANAGAR
YELACHANAHALLI,
JP NAGAR POST
BENGALURU - 560 078.

PETITIONERS ARE THE
ERSTWHILE PARTNERS OF
M/S.FRIENDS AUTOMOTIVES
(DISSOLVED ON 21/01/2017 BEFORE THE
REGISTRAR OF FIRMS, JAYANAGAR,
REGISTRATION DISTRICT)
NO.477/ 7TH CROSS, 7TH MAIN
JAYANAGAR 7TH BLOCK,
BENGALURU - 560 070.

...PETITIONERS

(BY SRI SATYANARAYANA CHALKE S., ADVOCATE)

AND:

SRI T MANJUNATHA REDDY
AGED ABOUT 59 YEARS





CNR: KAHC010421932021

NC: 2026:KHC:43938
CRL.P No. 8801 of 2021

S/O LATE SRI THIMMA REDDY
R/AT NO.288/289
KAGGALIPURA
KANAKAPURA ROAD
BENGALURU - 560 116.

...RESPONDENT

(BY SRI LOKESH BABU M., ADVOCATE)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 12.04.2019 REGISTERING A CRIMINAL CASE AND ISSUING PROCESS COMPELLING THE ATTENDANCE OF THE ACCUSED BEFORE HIM, QUASH THE PROCEEDINGS.

THIS PETITION IS COMING ON FOR *ORDERS*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 12.04.2019 passed by II Additional Chief Judicial Magistrate, Bengaluru Rural District in CC no.5003/2019 and as well as for quashing of entire proceedings therein, this petition is filed.

2. Sri Satyanarayan Chalke S., learned counsel for petitioners submitted that petitioners were arraigned as accused no.1 and 2 in PCR no.217/2019 filed by respondent no.2 (complainant) on file of Additional Chief Judicial Magistrate, Bengaluru Rural District. It was submitted, in very cause title of complaint, names of Sri Vijay R. S/o Ramesh and Ramesh M. S/o Late Madhava Reddy i.e., petitioners herein



CNR: KAHC010421932021

were referred to as partners of M/s.Friends Automotives, but without arraying Firm as accused, private complaint was filed for alleging commission of offences punishable under Section 138 of Negotiable Instruments Act, 1881 (**NI Act**). It was submitted, non-arrayal of Partnership Firm would be fatal defect. Apart from above, it was submitted that as per complainant, Cheque no.825197 drawn on ICICI Bank, Jayanagar Branch dated 26.02.2019 for Rs.20 Lakhs was issued in second week of December, 2018. It was submitted, as per Certificate dated 21.01.2017, appended to this petition, M/s.Friends Automotives stood dissolved as on 21.01.2017. It was further submitted that Exhibit P1-cheque belonged to M/s.Friends Automotives and issued much earlier i.e., 01.07.2016 along with a promissory note of even date. It was submitted that since purpose of cheque was served, Firm dissolved and account was closed. Therefore, dishonour of cheque on ground of 'account closed' in above facts and circumstances would not give rise to offence as alleged and therefore, sought for quashing.

3. Sri Lokesh Babu M., learned counsel for respondent-complainant however sought to oppose petition.



CNR: KAHC010421932021

It was sought to be contented that complainant had mentioned name of Firm in cause-title and therefore, infirmity was not fatal. It was submitted that M/s.Friends Automotives was in fact a proprietorship and therefore, array of petitioners as accused did not suffer from any infirmity. It was submitted, question whether cheque was issued was in year 2016 or otherwise would be in nature of defence and cannot be considered at this stage and sought for dismissal.

4. Heard learned counsel and perused impugned order dated 12.04.2019 and material on record.

5. This petition is by accused challenging order taking cognizance as well as entire proceedings in private complaint filed by respondent-complainant.

6. Admittedly, proceedings are initiated for alleging commission of offence punishable under Section 138 of NI Act. Main ground urged is non-arrayal of Firm being fatal.

7. Hon'ble Supreme Court in case of ***Aneetha Hada v. Godfather Travels and Tours Pvt. Ltd.*** reported in ***(2012) 5 SCC 661*** has held a failure to array Partnership Firm as accused would be fatal. Contention of respondent that M/s.



CNR: KAHC010421932021

NC: 2026:KHC:43938
CRL.P No. 8801 of 2021

Friends Automotives was a Proprietorship Concern would not be justified as petitioners have produced not only Registration Certificate of Firm issued by Registrar of Firms but also Certificate of its dissolution. Said documents issued by an authority maintaining records of Firms would be of unimpeachable nature. Consequently, without having to examine whether date of issuance of cheque was in year 2016 as claimed by petitioners herein on ground that cheque in question was issued on account of M/s.Friends Automotives, a Partnership Firm, it is held filing of private complaint without arraying Partnership Firm would be fatal in view of ratio in ***Aneetha Hada***'s case (supra).

8. Consequently, petition ***succeeds***. Order dated 12.04.2019 passed by II Additional Chief Judicial Magistrate, Bengaluru Rural District in CC no.5003/2019 and entire proceedings therein stand *quashed*.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV
List No.: 1 SI No.: 11