IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CRIMINAL CONTEMPT PETITION NO.5 OF 2018

BETWEEN:

CHANDRA SHEKHAR V
(AKA SHEKHARPOORNA)
S/O LATE V. GUNDANNA
AGED ABOUT 63 YEARS
R/O #103, FIRST BLOCK, FIRST PHASE
JANAPRIYA LAKE VIEW APARTMENTS
KODICHIKKANA HALLY
BENGALURU-560 076

... COMPLAINANT

(BY SMT. ARCHANA K.M, AMICUS CURIAE)

AND:

SRIYUTH H. VISHWANATHA
S/O LATE VENKATARAMANAPPA
AGED ABOUT 58 YEARS
NO.2511, 26TH CROSS
NEAR BDA COMPLEX
BSK 2ND STAGE
BANGALORE-560 070

...ACCUSED

(BY SRI. JEEVAN K, ADVOCATE)

THIS CRL.CCC IS FILED UNDER SECTION 15 OF THE CONTEMPT OF COURTS ACT, 1971 R/W ARTICLE 215 OF CONSTITUTION OF INDIA PRAYING TO FRAME CHARGE AND PUNISH THE ACCUSED IN ACCORDANCE WITH THE CONTEMPT OF COURTS ACT, 1971 FOR COMMITTING CRIMINAL

CONTEMPT AND COST OF THIS CONTEMPT PETITION MAY BE AWARDED IN FAVOUR OF THE COMPLAINANT.

THIS CRL.CCC, HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 28.08.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **T.P.VIVEKANANDA J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.P.VIVEKANANDA)

This criminal contempt case has a chequred history regarding the dispute between the complainant and the accused who were at one point in time were friends, but after their relationship has strained, which resulted in initiation of litigations in various forums.

2. The limited question that arises for our consideration in the present contempt proceedings is whether the act of the accused as complained by the complainant constitute criminal contempt within the meaning of the Contempt of Courts Act, 1971, if so what would be the consequential orders that could be passed in accordance with law.

3. The facts leading to initiation of criminal contempt proceedings by the complainant are as follows:

3.1 The complainant had instituted the criminal complaint in Crime No.100/2014 on 24.01.2014 against the accused herein. Seeking quashing of the said proceedings, the accused has filed Crl.P.No.6249/2014 before this Court and there was an order of interim order from 09.10.2014 onwards till 03.08.2015.

3.2 During the subsistence of the interim order, the jurisdictional Police have filed 'B' report before the learned Magistrate, which was accepted. In the light of filing of the 'B' report on 27.06.2015 and the same having been accepted by the learned Magistrate, the criminal petition filed by the accused has been disposed of, since the prayer sought does not survive for consideration.

3.3 Complaining that the Police Officers have submitted 'B' report in violation of the interim order dated 09.10.2014, the complainant had filed CCC.No.1228/2015 against the Assistant Commissioner of Police, Madivala Sub-Division, Inspector of Police, Madivala Police Station and Investigating Officer, Madivala Police Station. The notice having been issued

in the said contempt proceedings, the accused have appeared. It is the allegation of the complainant that, in order to favour the Police Officers in the aforesaid contempt proceedings, the accused had intimidated the complainant to withdraw CCC.No.1228/2015 and handed over cheque bearing No.015727 for a sum of Rs.1,00,000/- (Ex.P.6) drawn on Axis Bank endorsing on the reverse of the cheque in his own handwriting as follows:

> *"This cheque amount is towards 02.04.2015 agreement and withdraw of CCC.No.1228/2015. This cheque has to be present after withdraw in High Court."*

3.4 It is the claim of the complainant that the fact of issuance of cheque–Ex.P.6 had been brought to the notice of the Co-ordinate Bench of this Court in CCC.No.1228/2015 along with the memo dated 10.01.2017 and sought permission to file a formal complaint in the jurisdictional Police Station that is in Madivala Police Station and also for a direction to the Registrar of this Court to file a police complaint for further appropriate investigation and legal action.

3.5 It is the contention of the complainant that no orders have been passed on the said memo, which resulted in

he approaching the learned Advocate General through a petition under Section 15 of the Contempt of Courts Act requesting to grant consent to initiate criminal contempt proceedings against the accused.

4. Learned Advocate General, Government of Karnataka, by proceedings dated 18.06.2018 accorded consent for filing criminal contempt case against the accused herein. It is pursuant to the same, the present criminal contempt petition has been filed praying this Court to frame charge and punish the accused in accordance with the Contempt of Courts Act, 1971, for committing criminal contempt. The petition is filed by the party in person.

5. The summons having been issued, the accused was represented by the learned counsel and filed reply to the contempt petition, *inter alia*, denying the allegation of threatening the complainant for withdrawal of the contempt proceedings, so also the allegation of placing the cheque into the pocket of the complainant. However, the accused admitted the fact of having handed over the subject cheque for the purpose of withdrawing the contempt proceedings. It is his contention that the complainant after having encashed the

cheque, even though, it is mentioned at the reverse of the cheque that the complainant has to present the cheque to the Bank only after withdrawal of CCC.No.1228/2015 cannot now contend that the accused has intimidated him to withdraw the contempt petition.

6. It is his further contention that after encashing the cheque, the complainant had filed one more complaint before the Madivala Police Station on the very same allegations as made in this contempt petition and after investigation, the police have filed 'B' report and once the 'B' report is filed in respect of Crime No.186/2018, which is on the very same set of facts, the remedy available for the complainant was to challenge the 'B' report and not filing contempt petition before this Court. Incidentally, the accused has brought on record several incidents that had occurred from the year 1991 as regards the close acquaintance of the complainant with the accused and their travel abroad, financial transactions between them to establish that initiation of present proceedings is only with vengeance and acrimony. Therefore, no case is made out for prosecuting the accused for an offence of criminal contempt.

7. As regards the allegation made by the complainant that the accused was a rowdy sheeter and there were several proceedings against him in the Civil Courts and Criminal Courts are concerned, the accused has contended that all the proceedings referred to by the complainant have ended in acquittal and some of the orders passed by the trial Courts have been set aside by the Appellate Courts. Therefore, the past criminal proceedings or any other civil proceedings are not germane for the present consideration and accordingly, sought for dismissal of the criminal contempt case.

8. After filing the reply by the accused and upon hearing the parties, this Court framed which reads as follows:

"CHARGE

We, Justice B.Veerappa and Justice Venkatesh Naik T., Judges of the High Court of Karnataka, Bengaluru, do hereby charge you, accused named below:

SRI H. VISHWANATHA
S/O LATE VENKATARAMANAPPA,
AGED ABOUT 58 YEARS,
NO.2511, 26TH CROSS,
NEAR BDA COMPLEX,
BSK 2ND STAGE,
BENGALURU-560 070

as follows:-

During the pendency of Crime No.100 of 2014, the accused pressurized the complainant to withdraw CCC.No.1228 of 2015 on 9-1-2017 when he met the complainant at the premises of Madivala Police Station and warned the complainant with dire consequences that if he does not heed his request

to withdraw the complaint, he will make his life hell, thereby it amounts to criminal contempt within the meaning of the provisions of Section 2(c) of the Contempt of Courts Act, 1971, punishable under Section 12 of the Contempt of Courts Act, 1971, within the cognizance of this Court.

Dated this the 11th day of April, 2023."

Since, the accused did not plead guilty and sought trial of the proceedings, this Court proceeded with the trial.

9. The complainant was examined as P.W.1 and got marked the documents as Ex.P.1 to Ex.P.7. The most important document, which was marked through P.W.1, which is germane for determination in this criminal contempt is the xerox copy of the cheque and the endorsement on the reverse of the said chedque, which is marked as Ex.P.6.

10. P.W.1 was cross examined on behalf of the learned counsel appearing for the accused. In the cross-examination, it is brought out that the complainant and the accused are distinct relatives and they had cordial relationship with each other since 1993 and there was several suggestions as regards the past history of the accused involving in several cases. It was also brought on record that the complainant at one point of time was working as a Journalist in Deccan Herald and Prajavani Newspapers. The accused has suggested that there

was a sale transaction of an apartment between the complainant and the accused. Several suggestions have also been made as to the reason for relationship between the complainant and the accused having been strained. It was the version of the complainant that the relationship between them strained when the complainant lodged complaints against the accused in the year 2014 and 2015 regarding construction of the apartment building. It was suggested to P.W.1 that the complainant and accused have entered into final settlement agreement on 02.04.2015, whereby the complainant and accused had agreed to withdraw the cases filed against each other. P.W.1 denied the suggestion that the accused had agreed to pay a sum of Rs.6,05,000/- for withdrawal of the cases. P.W.1 volunteered that the accused had agreed to repay the loan of Rs.6,05,000/- which was borrowed from him.

11. The complainant has admitted the suggestion that he has submitted a complaint against the accused for obtaining of his signature forcibly on the agreement dated 02.04.2015. Since, the police did not register the complaint, which resulted in the complainant filing PCR before the jurisdictional Magistrate and upon reference from the learned Magistrate, the police have registered FIR against the accused herein. The

proceeding in Crime No.409/2015 was challenged by the accused before this Court in Crl.P.No.6249/2019. The police have filed 'B' report before the learned Magistrate. The complainant has also admitted that he had filed an application for reopening of the case before the learned Magistrate and the said application was dismissed. Challenging the said order, the complainant had filed Crl.P.No.9302/2018 before this Court, which came to be dismissed. The following question and answer are important in the adjudication of this matter, which reads as follows:

> *"17 **Ques**: When and why cheque dated 09.01.2007 was issued by Accused to you?*
>
> ***Ans**: In view of the reasons mentioned in the final settlement dated 02.04.2015, the accused issued said cheque to me and for the reason of withdrawal of Civil Contempt Petition .No.1228/ 2015."*

12. P.W.1 has deposed that he has received the cheque, since the accused owed him Rs.6,05,000/. To a suggestion that the cheque should have been produced before the Court in CCC.No.1228/2015, the complainant volunteers that since accused owed money to him by way of final settlement, he could not produce the cheque before the Court. P.W.1 stated that, though he filed a memo before this Court in

the aforesaid contempt petition, since there was no order passed on the said memo, he had approached the jurisdictional Police by filing the complaint. The said complaint was filed after ten months of filing of the memo before this Court. The complainant also admitted that even in respect of the complaint filed complaining about the intimidation, the police have filed 'B' report. P.W.1 has admitted that he was present when the order in Crl.P.No.6249/2014 c/w Crl.P.No.4532/2024 was passed. To a pointed question as to whether the complainant has raised any objection regarding filing of 'B' report during the pendency of the interim order, it is his answer that when the order was pronounced by the Court, there was no opportunity to raise any objection.

13. It is the statement of P.W.1 that after disposal of the aforesaid criminal petitions, he has instituted CCC.No.1228/2015 before this Court. To a question as to why the aforesaid contempt petition was withdrawn, the answer is that he cannot state any reason for withdrawal of the contempt petition. It is put to the witness on behalf of the accused that the present criminal contempt proceedings were initiated after one year from the date of issuance of cheque. The answer of P.W.1 is that he had filed a memo before this Court in

CCC.No.1228/2015 with a prayer to lodge complaint against the accused. Since, no orders were passed, he had instituted the present proceedings.

14. P.W.1 was asked as to whether he has issued a cheque dated 15.03.2018 for a sum of Rs.1,00,000/- as repayment of the cheque received from the accused, which is in question in the present proceedings. The answer is that a cheque bounce case is pending in respect of the cheque dated 15.03.2018 before the learned Magistrate and arising out of the said proceedings, Crl.P.No.16871/2025 is also pending before this Court and therefore, he do not wish to answer the said question on the ground that his answer may become prejudice to the pending proceedings. P.W.1 denied the suggestion that the cheque dated 15.03.2018 for a sum of Rs.1,00,000/- was issued in relation to the repayment of the cheque involved in the present case.

15. The accused has filed an affidavit in lieu of examination-in-chief reiterating his contentions urged in the reply to the contempt petition. We find it appropriate to extract relevant portion of examination-in-chief, which is germane for consideration of the issue in question.

"5. I submit that in the year 2018, the complainant filed a Civil Contempt Petition against the Investigating Officer (I.O.) who investigated Crime No. 100/2024 (the complaint filed by the complainant against me), alleging that the I.O. filed the 'B' report while the stay order passed by this Court in Crl. P. No. 6249/2014 was in force. After filing the said contempt petition, the complainant again approached me and requested an amount of Rs. 1,00,000/- as he was in urgent need of funds for his medical treatment. Being the aware of the earlier situation, I did not respond positively. The complainant then started to persuade me to settle the matter and pay him Rs.1,00,000/- which is the amount agreed upon them to withdraw the Crime No. 100/2014. He also stated that the Civil Contempt Petition 1228/2015 which was the continuation of Crime No.100/2014 and hence he will withdraw both the cases if he pays him Rs.1,00,000/- as agreed upon in the agreement dated 02/04/2015. However, at that time, I did not heed his request. The complainant started to pressurize me daily. Finally, I agreed to the proposal and accordingly paid Rs.1,00,000/- to the complainant via Cheque bearing No.102190, dated 09/01/2017, drawn on Axis Bank. On the back of the cheque, I endorsed: 'This cheque is towards the 02/04/2025 agreement and withdrawal of CCC 1228/2015. This cheque is to be presented after withdrawal in the High Court.' At the time of issuing the cheque, the complainant agreed to abide by the conditions stipulated in the agreement and to withdraw the cases as stated above.

6. I submit that the complainant duly encashed the said cheque. Thereafter, he filed the above criminal contempt petition with a false story that I had threatened him to withdraw the Civil Contempt Petition and forcibly inserted the cheque for Rs.1,00,000/- into his pocket. On 10/01/2017, the complainant appeared before this Honourable Court in the Civil Contempt Petition No 1228/2015 and filed a memo mentioning the

> *issuance of the cheque, but he did not enclose the original cheque with that memo. If the cheque had truly been issued by force as alleged, the complainant would definitely have produced it along with the memo."*

16. In the affidavit, the accused has reiterated his suggestions made to the complainant regarding the issuance of cheque for a sum of Rs.1,00,000/- as repayment of the amount, which has been encashed through the cheque and which is the subject matter of the present proceedings. He has also brought on record the endorsement made on the reverse of the said cheque, which reads as follows:

> *"'Under protest, this cheque is issued under the condition that it should not be presented to the bank for encashment without obtaining prior written permission, and if this condition is not complied with, the issue is not responsible for the cheque getting bounced."*

17. It is the allegation of the accused that after the charges are framed in the present contempt proceedings, the complainant has withdrawn CCC.No.1228/2015 filed against the Investigation Officer, which shows his modus operandi of continued vengeance against the accused. Accused was cross-examined by the learned Amicus Curiae appointed by this Court. The accused has admitted the issuance of cheque at Ex.P.6 and the signature found therein. The accused has also

admitted the endorsement made on the reverse of the cheque-Ex.P.6. The accused further admitted that after the agreement dated 14.09.2015, there is no further agreement between the complainant and accused. The accused has admitted the contents of Ex.P.7 as regards his statement of payment of Rs.6,05,000/- as full and final settlement. The accused admits his deposition that the complainant has approached him for financial help for his medical treatment. However, there was no such endorsement on the reverse of the cheque at Ex.P.6 and finally, the accused admits that Ex.P.6 was issued to the complainant for withdrawal of the case. Despite receiving the cheque, the complainant has not withdrawn the case.

18. Upon completion of trial, Smt. Archana K.M., who has been appointed as Amicus Curiae by order daed 11.04.2023 has made submission on behalf of the complainant and Sri Jeevan K., learned counsel appearing on behalf of the accused.

19. We have heard the learned counsels and appreciated the oral and documentary evidence placed before us.

20. As noticed from the charges framed by this Court, the point that arises for our consideration is as to whether the accused has intimidated the complainant to withdraw CCC.No.1228/2015 by issuing the undated cheque bearing No.015727, which amounts to criminal contempt within the meaning of provision under Section 2(c) of the Contempt of Courts Act, 1971, punishable under Section 12 of the Contempt of Courts Act, 1971.

21. Upon appreciation of the oral and documentary evidence, we find it appropriate to consider as to whether the conduct of the complainant in encashing the subject cheque and then instituting the criminal contempt proceedings is appreciable and whether the complainant is also required to be punished for unconditionally withdrawing CCC.No.1228/2015 after encashing the cheque, virtually aiding the accused in standing in the way of administration of justice and obstructing the judicial proceeding.

22. As noticed from the pleadings as well as the oral evidence, the accused has admitted the issuance of cheque and the endorsement at the reverse of the cheque. He has also admitted the purpose for which the cheque was issued.

Therefore, no detailed appreciation or discussion about the allegation made in the complaint as well as in the charges is required. The complainant has also admitted that the subject cheque has been encashed by him, however, the explanation sought to be made is that the cheque was encashed not for the purpose of withdrawal of the case, however, the accused owed him a sum of Rs.6,05,000/- in terms of the agreement dated 02.04.2015. To consider the said explanation offered by the complainant, it is necessary to notice the suggestion made on behalf of the accused that the complainant had issued a cheque bearing No.226397 drawn on Canara Bank for a sum of Rs.1,00,000/- by which the complainant has returned the amount of Rs.1,00,000/- which he has encashed through the subject cheque. It is also necessary to notice that the said cheque having been dishonoured for want of sufficient funds, the accused herein has instituted proceedings under Section 138 of the Negotiable Instruments Act, which in CCC.No.16170/2018 is pending consideration before the learned Magistrate. Arising out of the said proceedings, Crl.P.No.16871/2025 is filed and is pending consideration before this Court. Therefore, the conduct of both the complainant and accused is not unblemished and both of them

are in loggerheads in different judicial proceedings, so also before the police in connection with their *inter se* dispute.

23. We have no doubt in our mind that the complainant has misused the mechanism of criminal contempt to achieve his ill-objective to take revenge against the accused. If at all, the complainant is a law abiding citizen and genuine litigant, the minimum that was required from him was to surrender the subject cheque issued by the accused in the proceedings in CCC.No.1228/2015 and sought initiation of proceedings against the accused or initiating the appropriate criminal proceedings immediately. However, accused has encashed the cheque and then filed the complaint before the police, which has ultimately resulted in registration of FIR. This Court would have appreciated the complainant, if he has not encashed the cheque and agitated the same before the Co-ordinate Bench where CCC.No.1228/2015 was pending. The conduct of the complainant in instituting this criminal contempt proceeding and during the pendency of the same, withdrawing of CCC.No.1228/2015 is liable to be deprecated.

24. It is no doubt true that the issuance of cheque by the accused with the endorsement on the reverse of the cheque

that the cheque is being issued for withdrawal of the pending case amounts to intimidation and standing in the way of administration of justice and scuttling the judicial proceedings. As observed above, there is no semblance of any denial by the accused regarding the issuance of cheque for the purpose of withdrawal of the case.

25. In that view of the matter, we are of the considered opinion that the accused has stood in the way of administration of justice and intimidated the complainant to withdraw a Civil Contempt Petition, which was pending before the Co-ordinate Bench of this Court.

26. On appreciation of oral and documentary evidence and as discussed above, we are of the considered opinion that the conduct of the complainant in encashing the cheque and simultaneously prosecuting the criminal contempt proceedings against the accused, resulted in consumption of precious judicial time of this Court in adjudicating the dispute between the complainant and the accused, which is purely personal in nature. Therefore, this Court finds it appropriate to impose cost on the complainant also.

27. Before parting with this judgment, we deem it appropriate to make the following observations. The Criminal Contempt Jurisdiction is an extraordinary jurisdiction of the Contempt Court. While adjudicating upon the complaint regarding committing of criminal contempt by the accused, the conduct of the complainant should be unblemished. The complainant's own behaviour and conduct is compromised would be a strong defence for the accused. Because the power of contempt is an extraordinary power, which would be used to uphold the majesty of the Court, therefore, the person invoking the contempt jurisdiction must generally have an impeccable standing regarding the dispute. It may not be out of context to state here that the complainant's blameworthy conduct reveals that this contempt petition is driven by mala fides rather than a genuine grievance. It appears to us that the complainant is using the contempt jurisdiction of this Court as a tool to resolve his *inter se* dispute with the accused. Therefore, we are of the opinion that this is a fit case where this Court while punishing the contemnor, necessary orders should be passed as against the complainant also.

28. This contempt petition is pending since 2018. For adjudication of this petition, this Court has spent considerable

amount of judicial time. The same amount of judicial time could have been better used for adjudication of the genuine disputes and claims, which are brought before this Court for decision making. We find that the issue of this nature did not warrant consumption of so much of judicial time.

29. Having regard to the facts and circumstances obtaining in the present case, we hold that the charges against the accused/contemnor are proved beyond reasonable doubt. Hence, we pass the following

ORDER

(i) This Crl.CCC is ***disposed of*** in the following terms:

(ii) The accused/contemnor is convicted for Criminal Contempt of Court punishable under Section 12(1) of the Contempt of Courts Act, 1971.

(iii) We also hold that the complainant has also contributed in accused committing the criminal contempt as noticed above.

Hearing on sentence

(iv) We have heard the complainant and the accused on the sentence to be imposed. Having considered the rival submissions of both the parties and the contentions advanced and taking note of the gravity of the contempt committed, so also the relationship between the complainant and the accused, we find it appropriate to sentence the accused to a simple imprisonment till 5.00 pm. today with a fine of Rs.2,000/- payable by the accused within a period of 15 days from today. In default of payment of fine amount, the accused shall undergo simple imprisonment for another one day. The accused shall be taken into custody forthwith to serve his sentence.

(v) Considering the fact that the complainant is aged and is ailing with several health issues, we are refraining from convicting the complainant, however, we find it appropriate to impose cost/fine of Rs.10,000/- payable to the registry of this Court for engaging this Court to adjudicate this contempt petition, which is out of personal disputes and vengeance between the complainant and the accused.

(vi) The Registrar (Judicial) shall issue conviction warrant against the accused as per Rule 16 of the High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981. The registry shall

furnish the free copy of this order to the complainant and accused forthwith.

(vii) All pending I.As., if any, shall stand disposed of.

(viii) The valuable assistance and services rendered by Smt.Archana K.M., learned Amicus Curiae is highly appreciated and the same is placed on record.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB