

**Ramesh A Vs. Mahadev**

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**SooperKanoon Citation :** [sooperkanoon.com/1227153](http://sooperkanoon.com/1227153)

**Court :** Karnataka

**Decided On :** Dec-03-2019

**Judge :** G.NARENDAR Presided by

**Appeal No. :** CRL.P 6116/2018

**Appellant :** Ramesh A

**Respondent :** Mahadev

**Judgement :**

CRL.P61162018 1 R IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE03D DAY OF DECEMBER, 2019 BEFORE THE HONBLE MR.JUSTICE G.NARENDAR CRL.P.NO.6116/2018 BETWEEN RAMESH A S/O LATE ANKAPPA AGED ABOUT52YEARS R/AT GANIGARA BEEDI MAGADI TOWN-562120 RAMANAGARA DISTRICT ...PETITIONER (BY SRI AMITH XAVIER C AND L.HARISH KUMAR, ADVS.) AND MAHADEV S/O MARISWAMAPPA AGED ABOUT48YEARS R/AT NATARAJA EXTENSION OPP. SRI RAMA PALACE MAGADI TOWN RAMANAGARA DISTRICT-562120. RESPONDENT THIS CRIMINAL PETITION IS FILED UNDER SECTION482CR.P.C PRAYING TO QUASH THE PROCEEDINGS INITIATED AGAINST THE PETITIONER BY THE LEARNED PRINCIPAL CIVIL JUDGE AND JMFC AT MAGADI IN C.C.NO.425/2017 HAS TAKEN COGNIZANCE ON2109.2017. THIS CRIMINAL PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING: CRL.P61162018 2 ORDER1 Heard

the learned Counsel for the petitioner.

2.

... Petitioner

is before this Court praying to quash the proceedings initiated against the petitioner and pending on the file of the Principal Civil Judge & JMFC at Magadi, in C.C.No.425/2017 for the offence punishable under Section 138 of the Negotiable Instruments Act.

3. This Court by order dated 14.11.2019 had directed the petitioner to place on record the reply notice, if any, issued by him. Today, learned Counsel for the petitioner would file a memo into the Court enclosing therewith the letter purportedly addressed to him by the Public Information Officer of the Corporation Bank, wherein the Public Information Officer has, in sum and substance, intimated the petitioner that the cheque referred in his application does not find place in their inward register. Hence, the learned Counsel for the petitioner would submit that the said document would suffice to enable this Court CRL.P61162018 3 to exercise its power vested under Section 482 Cr.PC and quash the complaint.

4. Admittedly, the said document is issued to the petitioner on an application made by him under the Right to Information Act. It is not a certified copy of any public document or much less any document and it is merely an information, the veracity of which, requires to be appreciated and decided at the time of trial. The said information provided to the petitioner may be used by the petitioner to summon such witnesses and demonstrate his case. The fact as to whether the cheque is indeed dishonoured or not is a factual aspect of the case and has to be demonstrated during the trial.

5. Learned Counsel for the petitioner also places reliance on the ruling of the Apex Court in the case of RAJIV THAPAR & OTHERS VS MADAN LAL KAPOOR (2013)3 SCC330 wherein the Apex Court in paragraphs 29 & 30 has laid down certain guidelines and the steps to determine the veracity of the prayer for quashment.

6. 4 CRL.P61162018 In the opinion of this Court, the said ruling is inapplicable to the facts of the instant case as the document that is sought to be canvassed is not a public document to enable this Court to construe it as a rebuttable piece of evidence. In that view of the matter, petition must fail and accordingly petition stands dismissed. KK CT-HR Sd/- JUDGE

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