Reserved on : 27.03.2026
Pronounced on : 12.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.3663 OF 2026

BETWEEN:

R. VIJAYENDRA BABU,
S/O RAMAKRISHNA GOWDA,
PREVIOUSLY RESIDING AT 138, 2ND STAGE,
1ST BLOCK, H-CROSS, NAGARBHAVI,
BENGALURU - 560 072.

PRESENTLY RESIDING AT NO. E08, UNIWORTH,
TRANQUIL ROW HOUSE, DODDABELE ROAD,
NEAR KENGERI METRO STATION,
MYSURU ROAD KENGERI, KENGERI,
BENGALURU, KARNATAKA-560 060.

... PETITIONER

(BY MS. NISHA TIWARI, ADVOCATE)

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

AND:

1 . C. HEMANTH KUMAR,
AGED ABOUT 63 YEARS,
S/O K.P.CHANDRA SHEKAR MURTHY,
R/O 45, NAL LAYOUT, JAYANAGAR 4TH
'T' BLOCK, BENGALURU-560 041.

2 . M/S SPECTRA LAMPS PVT. LTD.,

A COMPANY REGISTERED UNDER THE
COMPANY'S ACT 1956, THROUGH ITS
AUTHORISED REPRESENTATIVE
HAVING ITS REGISTERED OFFICE AT NO. 5,
14TH MAIN, 14TH A CROSS, WEST OF CHORD
ROAD, 2ND STAGE, 2ND PHASE,
BANGALORE -560 086

... RESPONDENTS

(BY SRI PUTTIGE R RAMESH, SENIOR ADVOCATE FOR
SMT. LAKSHMI E, ADVOCATE FOR R-1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO a) QUASH THE IMPUGNED ORDER DATED 23.02.2026 PASSED IN CC.NO.31986/2009 PENDING BEFORE 22ND ACMM BANGALORE AND DECLARE THAT THE APPELLATE ORDER DATED 14.10.2022 IS NOT EST, VOID AND NON-ENFORCEABLE IN LAW, BEING AN ORDER OF NULLITY; OR IN THE ALTERNATE b) SET ASIDE THE IMPUGNED ORDER DATED 23.02.2026 PASSED IN CC.NO.31986/2009 AND REMIT THE MATTER TO THE LEARNED EXECUTION COURT WITH A DIRECTION TO ADJUDICATION, ON MERITS, THE PLEA OF NULLITY AND NON-EXECUTABILITY OF THE APPELLATE ORDER DATED 14.10.2022 AS RAISED BY THE PRESENT PETITIONER.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 27.03.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

ON

MAINTAINABILITY

The petitioner is before this Court seeking the following prayers:

> (a) QUASH the impugned order dated 23-02-2026 passed in C.C. No.31986 of 2009 pending before 22nd ACMM, Bengaluru and declare that the Appellate Order dated 14-10-2022 is non est, void and non-enforceable in law being an order of nullity;
>
> OR IN THE ALTERNATIVE
>
> (b) Set aside the impugned order dated 23-02-2026 passed in C.C.No.31986 of 2009 and remit the matter to the learned Execution Court with a direction to adjudicate, on merits, the plea of nullity and non-executability of the Appellate Order dated 14-10-2022 as raised by the present petitioner.
>
> (c) Grant such other or further reliefs as this Hon'ble Court may deem fit in the interests of justice and equity."

2. Heard Ms. Nisha Tiwari, learned counsel appearing for petitioner and Sri Puttige R Ramesh, learned senior counsel appearing for respondent No.1.

3. The petitioner has been before this Court not in one, but two petitions. The first being Writ Petition No.16395 of 2023 and the second being Writ Petition No.14332 of 2024. Therefore, it would suffice if the facts as narrated in Writ Petition No.16395 of 2023 are narrated and the aftermath is then noticed. Brief facts as adumbrated in W.P.No.16395 of 2023 are as follows:

> "…. …. ….
>
> The 2nd respondent - M/s Spectra Lamps Private Limited comes to be incorporated on 02-01-1995 with the petitioner and his wife as its Directors. The business of the Company was manufacturing of tube lights and other lighting equipments. At the relevant point in time, it is the claim of the petitioner that when the Company was represented by one C. Hemanth Kumar, the 3rd respondent herein, he had entered into a loan agreement whereby he had agreed to lend a sum of ₹1,21,00,000/- to the Company and to clear the outstanding loan of the Company payable to the Karnataka State Financial Corporation. It is the claim of the petitioner that the 3rd respondent, as a measure of security, was to retain the title documents of certain properties along with blank signed forms. Disputes emerge between the petitioner and the 3rd respondent, all of which lead to the 3rd respondent registering a private complaint under Section 200 of the Cr.P.C., which then becomes a criminal case in C.C.No.31986 of 2009. The learned Magistrate in terms of the judgment dated 04-02-2015 acquits accused Nos.1 and 2, the Company and its Managing Director – the present petitioner and his wife of the offences punishable under Section 138 of the Negotiable Instruments Act, 1988 ('the Act' for short).
>
> 4. The acquittal was called in question by the 3rd respondent before this Court in Criminal Appeal No.422 of 2015. This Court in terms of its order dated 14-10-2022 upturns the acquittal and convicts accused 1 and 2, the Company and the petitioner. The petitioner challenges the said order before the

> Apex Court in S.L.P.(Criminal) No. 11205 of 2022. The S.L.P. comes to be rejected on 02-12-2022. After the said rejection by the Apex Court, an application is filed before the co-ordinate Bench of this Court which had passed the order in the criminal appeal seeking correction of certain errors under Section 362 r/w 482 of the Cr.P.C. This application is rejected in terms of the order dated 23-06-2023. Thus, fails all efforts of the petitioner to get himself acquitted of the order of conviction. Now the petitioner again knocks at the doors of this Court in the subject petition seeking the aforesaid prayers."

4. The submissions of the respective learned counsels in the said petition are as follows:

> "The learned counsel appearing for the petitioner would vehemently contend that the petitioner had submitted his resignation to the Company in the year 2008 itself. The status of the petitioner is still in limbo. He has filed this petition only to get to know what his status is in the Company."
>
> **Per-contra, the learned senior counsel Sri Puttige R. Ramesh representing respondents 3 and 4, taking the Court through the application filed seeking rejection of the petition would submit that the petitioner is playing mischief with the Court as it is a mischievous petition after having lost even before the Apex Court to get the conviction set aside. The petitioner is now wanting to reopen from the stage of submission of his resignation in the year 2008, a document which is not even available in the file in any quarter. He would take serious objection to the description of the 3rd respondent in the petition where he is described as Managing Director of the Company. It is the submission of the learned senior counsel that the 3rd respondent is neither the Director nor the Managing Director in terms of the findings rendered by the coordinate Bench of this Court. He has, therefore, preferred an application seeking correction of the cause title. The learned counsel for the petitioner would admit the inadvertence in describing the 3rd**

respondent as the Managing Director of the Company but would feigningly try to add that the 3rd respondent is a Director.

The learned Deputy Solicitor General of India, Shri H.Shanthi Bhushan, qua the first prayer that is sought has filed his counter affidavit appending a Notification which deals with destruction of records beyond a period of 5 years and would submit that records are destroyed. There is nothing that the petitioner can now seek 15 years after the emergence of the letter."

5. The consideration at the hands of this Bench in the said petition is as follows:

"…. …. ….

8. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

9. The afore-narrated facts are not in dispute. **The dispute that arose in terms of a memorandum of understanding lead the 3rd respondent to the criminal Court by invoking Section 200 of the Cr.P.C., for offence punishable under Section 138 of the Act. The Company, the petitioner and his wife were arrayed as accused. The allegation related to the 3rd respondent handing over certain funds to clear dues of the Company with the Karnataka State Financial Corporation. Going back into the merit of the matter is not required as the learned Magistrate in C.C.No.31986 of 2009 acquits the Company and the petitioner for offence punishable under Section 138 of the Act. The acquittal is called in question by the 3rd respondent before this Court in Criminal Appeal No.422 of 2015. This Court in terms of its order dated 14-10-2022 on points 2 and 3, upturns the acquittal and convicts the petitioner**. The co-ordinate Bench holds as follows:

"….. ….. …..

POINT NO.(ii)

13. Unhesitatingly it can be held that the findings of the Magistrate are incorrect. There is no dispute about issuance of cheques by the second accused on behalf of Company as its Managing Director and in his individual capacity. The defence version is that the complainant having taken over the Management of the first accused-company loses right to enforce the liability. Ex.D.4 is the document that the accused no.2 has relied upon. It is a copy of Memorandum of Understanding (MoU) dated 14.2.2008. It appears that PW.1 – the complainant admitted the copy of MoU when it was confronted to him during his cross-examination, and therefore it was taken on record as an exhibit. Any way coming into being of MoU is not disputed and it indicates that second accused and his wife Smt. Menaka resigned their Directorship of the Company and the complainant agreed to take over the company. The complainant also agreed to submit Form 32 to the Registrar of Companies. Sri. Puttige Ramesh argued that Form 32 should have been submitted by outgoing directors, and it was not submitted. It is not in dispute that Form No.32 was not submitted to the Registrar of Companies, and thereby notwithstanding the stipulations found in Ex.D.4, there did not come into effect any change in the management of the company. It is true that Ex.D.1, which is a resolution dated 23.2.2008 shows that the complainant and Smt. Sheela Kumar were appointed as the directors. In Ex.D.2 the complainant is shown as the occupier of the company. Ex.D.3 is a letter dated 26.2.2008 written by the complainant as the Managing Director accepting the resignation of one Ramesh H.K. Ex.D.7 is a Photostat copy of a letter dated 10.2.2009 written by the second accused to the Registrar of Companies stating that the Company was taken over by the complainant and he came to know that Form 32 had not been filed. This letter does not contain seal of the Office of Registrar of Companies for having received original of it, and therefore it cannot be relied upon. Ex.D.8 and Ex.D.9 are copies of two letters dated 21.1.2009 and 5.2.2009 respectively addressed by the second accused to the Branch Manager of Bank of India, Bangalore Main Branch, K.G.Road, Bengaluru stating that the company had been taken over by the complainant. Ex.D.8 does not contain acknowledgment seal of the bank, but Ex.D.9 contains such a seal. It is clear that the endeavour of the accused by producing these documents was to rebut the evidence of the complainant that the cheques became unenforceable and thereby legally enforceable liability did not exist. But the complainant relies on Ex.P.22 which is said to be a settlement that came into existence on 5.2.2009 between the complainant and the company. Actually Ex.P.22 is a letter written by the company and signed by the second accused stating that all the

earlier agreements and understandings were cancelled and the second accused confirmed that he was the Managing Director of the Company and that he took back all the original documents executed by him and the company in favour of the complainant. In Ex.P.22 there is a clear reference to the cheques, Ex.P1 to P.3 being issued acknowledging the outstanding liability of the company as Rs.1,90,50,000/-. PW.2 establishes execution of Ex.P.22. He may not be aware of contents but he signed as a witness to the execution of Ex.P.22. There is no effective cross-examination of PW.1 on Ex.P.22. One suggestion found is that the complainant has misused Ex.P.22. That means accused no.2 does not dispute execution of Ex.P.22 and according to him it was misused. Therefore if on 5.2.2009, Ex.P.22 came into existence nullifying the MoU and other agreements, Ex.D7,D.8 and D.9 can hardly have any effect. If this is the picture obtainable from documentary evidence, the findings of the Magistrate cannot be sustained. A clear conclusion can be drawn that the cheques were issued for discharging part of the liability of the company. As can be made out from Ex.P.22, Ex.P.1 to P.3 were post dated cheques; they do not appear to have been issued on any anterior date by way of security. It is admitted that the cheques were dishonoured for insufficiency of funds in the bank accounts. Demand notice was issued within the prescribed time. Demand was not fulfilled and thereby penal consequences under Section 138 of N.I. Act ensued. For these reasons, the findings of the Magistrate cannot be sustained. Point No.2 is therefore answered in negative.

POINT NO.(iii)

14. In view of discussion on points (i) and (ii), the acquittal judgment requires to be set aside. In regard to dishonour of cheque as per Ex.P.1, the first accused is to be convicted and in terms of section 141 of N.I.Act, accused no.2 who is its Managing Director is to be sentenced. And in regard to cheques as per Ex.P.2 and Ex.P.3, accused is to be held guilty and sentenced for the offence under section 138 of N.I.Act. It may also be noted here that since the case is pending for the past thirteen years, the complainant needs to be compensated adequately from the fine amount. Hence the following:

ORDER

Appeal is allowed. The judgment of acquittal in C.C.No.31986/2009 on the file of XXII Addl. Chief Metropolitan Magistrate, Bengaluru is set aside. Conviction for the offence under section 138 of N.I.Act is recorded against first accused.

For the conviction recorded against accused no.1, second accused is directed to pay fine of Rs.2 Crore and

in default to pay fine, he shall serve simple imprisonment for a period of six months. Out of the fine amount of Rs.2 Crore, complainant shall be paid compensation of Rs.1,99,75,000/-. Rs.25,000/- shall be defrayed towards prosecution expenses.

For the conviction recorded against second accused in his personal capacity, he is sentenced to fine of Rs.75,000/- and in default he shall serve simple imprisonment of one month. Out of fine amount of Rs.75,000/-, the complainant is entitled to compensation of Rs.70,000/-. Rs.5,000/- shall be defrayed towards prosecution expenses."

The petitioner immediately challenges the same before the Apex Court. The Apex Court rejects Special Leave to Appeal (Criminal) No.11205 of 2022 by its order dated 02-12-2022 observing as follows:

"Upon hearing the counsel, the Court made the following

ORDER

We do not find any good ground and reason to interfere with the impugned judgment and hence, the Special Leave Petition is dismissed.

Pending application(s), if any, shall stand disposed of."

After dismissal of the S.L.P., the petitioner files an application before the Court which had convicted the petitioner, in I.A.No.1 of 2023 seeking correction of the order. The co-ordinate Bench rejects the same by the following order:

"….. ….. …..

In regard to Ex.D.7 the power under Section 362 of Cr.P.C., cannot be exercised, because it is a finding on a document; it is not a clerical error. Moreover in page 18 of the judgment, it is clearly observed that Ex.P.22 has nullified the effect of the documents marked as Exs.D.7, 8 and 9. The argument of Sri Sathyanarayana S Chalke on this point cannot be accepted.

Lastly, Sri Sathyanarayana S Chalke took up another ground which is not stated in the application. ***His argument was that accused No.1 is a Company and having recorded conviction against the company, accused No.2***

should not have been sentenced to fine on behalf of the company. This is not an error which can be corrected under Section 362 of Cr.P.C. In fact it is not an error at all, the conviction is recorded in accordance with Section 141 of the Negotiable Instruments Act. Moreover the accused preferred Special Leave Petition ('SLP' for short) to the Hon'ble Supreme Court challenging the judgment dated 14.10.2022 and the said SLP was dismissed. After dismissal of SLP accused have come up with this application which does not merit consideration, hence I.A.No.1/2023 is dismissed."

10. The petitioner now comes up with a novel idea. In the garb of getting to know what his status is, he is wanting to dilute the order of conviction passed by the co-ordinate Bench against which the S.L.P. is dismissed by putting the clock back or walking back to the date of submission of resignation in the year 2008. A cleverly worded prayer and ingenious submission of the learned counsel for the petitioner will not sway this Court to redeem the mischief that is wanting to be played by the petitioner after getting convicted for the offence under Section 138 of the Act in the judgment rendered by the co-ordinate Bench in which observations are clearly made *qua* the status of the petitioner that he is wanting to flog a dead horse or exhume what is inhumed. The petition is, therefore, to be rejected with exemplary costs. But, this Court would hold its hands, as the sword of conviction is already hanging on his head.

11. Insofar as the first prayer is concerned, the learned Deputy Solicitor General of India Sri H.Shanthi Bhushan has placed on record certain documents which merit consideration. On 12-10-2017, 1st respondent/Registrar of Companies, in terms of sub-section 5 of Section 248 of the Companies Act, 2013 strikes off the Company from the register. Several Companies form a part of the order. The Company/2nd respondent is at Sl.No.2898. Therefore, the Company is struck off from the Register. Since the petitioner has sought for calling of all the records from the 1st respondent, a notification is appended to the counter affidavit filed by Sri H. Shanthi Bhushan. The Notification is notifying certain Rules called "the

Disposal of Records (in the Offices of the Registrars of Companies) Rules, 2003. Rule 4 thereof reads as follows:

"…. …. ….

4. Destruction of documents.- *Subject to the previous order of the Registrar of Companies, the following records in his office may be destroyed after the expiration of the period of their preservation as specified below:-*

(a) ***Records to be preserved for 35 years:***

(i) Register of Security Bonds; and
(ii) Succession List of Officers.

(b) Records to be preserved for 21 years: *All papers, registers, refund orders and correspondence relating to the companies liquidation accounts.*

(c) ***Records to be preserved for 5 years:***

(i) Copies of Government orders relating to companies;

(ii) All papers, registers, refund orders and correspondence relating to payment from companies unpaid dividend account under section 205A of the Act and all papers, statements, registers and abstracts relating to the amounts deposited in the fund established under section 205C of the Act;

(iii) Registered documents of companies which have been fully wound up and finally dissolved together with correspondence relating to such companies;

(iv) Papers relating to legal proceedings from the date of disposal of the case and appeal, if any;

(v) Copies of statistical returns furnished to Government;

> *(vi) All correspondence including correspondence relating to scrutiny of balance-sheets, prosecutions, reports to the Regional Directors and Company Law Board including inspections under section 209A of the Act, and the correspondence relating to complaints:*
>
> ***Provided** that in case of prosecution matters, the date is to be recorded from the date of disposal of the case and appeal, if any."*
>
> Rule 8 reads as follows:
>
> *"…. …. ….*
>
> ***8. Record of document destroyed to be maintained.-** The Registrar of Companies shall maintain a Register in two parts, in the form set out in the Appendix annexed hereto, wherein he shall enter brief particulars of the records destroyed and shall certify by his own hand writing therein the date and mode of destruction."*
>
> Rule 4 depicts that documents would be preserved only for 5 years in terms of clause (c) of Rule 4. The Company was declared to be defunct and closed and struck off from the register in the year 2017 itself. The petitioner being fully aware of this fact now seeks to get the documents from the 1st respondent close to 6 years after the name of the Company being struck off, through the present petition. This prayer, as contended by Sri H.Shanthi Bhushan, is untenable and mischievous.
>
> 12. For all the aforesaid reasons, the petition lacking in merit, stands rejected."

It was clearly observed that the same petitioner in the said petition had come up with a novel idea. In the garb of getting to know what his status is, he is wanting to dilute the order passed by the

coordinate Bench against which a Special Leave Petition is dismissed, by putting the clock back or walking back to the date of submission of the resignation in the year 2008. This Bench further observed that it was a cleverly worded prayer and an ingenious submission of the petitioner. The petition stood rejected on all the aforesaid reasons.

6. After the order was passed by this Bench, another petition comes to be filed seeking that the order in Criminal Appeal convicting and sentencing the petitioner be set aside. A coordinate Bench of this Court in Writ Petition No.14332 of 2024, by a reasoned order dismissed the petition in terms of its order dated 19-01-2026. The reasons so rendered read as follows:

> "…. …. ….
>
> 5. It is the contention of the petitioner that he was arrayed as accused No.2 before the Trial Court and respondent No.2 before this Court in criminal appeal. Even though the Trial Court has acquitted the accused in the appeal preferred by respondent No.1, the Court has set-aside the judgment of acquittal passed by the Trial Court and proceeded to convict accused Nos.1 and 2 for the offence punishable under Section 138 of NI Act, which is called in question before this Court.
>
> 6. According to learned counsel for the petitioner, even though this Court is not sitting in appeal against the judgment allowing the appeal, convicting and sentencing the petitioner

herein and even though the Hon'ble Apex Court has already dismissed the Special Review petition preferred, challenging the judgment passed by the Co-ordinate Bench of this Court, the petitioner is advised to file and maintain this petition in the interest of justice.

7. According to the learned counsel for the petitioner, this Court had not passed the judgment of conviction and order of sentence by hearing the petitioner herein, who was arrayed as accused No.2. But the fact remains that both accused Nos.1 and 2 who are arrayed as respondents in Criminal Appeal No.422/2015 were represented by their Advocate and the court has heard him at length before proceeding to allow the appeal.

8. Even though the said judgment was challenged before the Hon'ble Apex Court, by preferring the Special Leave Appeal (Criminal) No.11205/2022, the same came to be dismissed vide order dated 02.12.2022. Thus, the judgment of conviction and order of sentence passed by this Court in Criminal Appeal No.422/2015 has reached finality. Under such circumstances, being the co-ordinate Bench, this Court cannot sit in appeal to consider the validity of judgment and the order of sentence.

9. It is the contention of petitioner that the petitioner was not working as a Director under accused No.1 and therefore, he was not liable for conviction. Such contention was never raised by the petitioner when Criminal Appeal No.422/2015 was pending before this Court. Moreover, the petitioner as respondent No.2 in the appeal had filed an application under Section 362 R/w Section 482 of Cr.PC seeking correction of clerical errors. It is contented in the said application that accused No.1 - Company was not represented either before the Trial Court or before this Court and therefore, Section 305 of Cr.PC has not been complied with.

10. The other grounds were also raised by the learned counsel who was representing respondent No.2 in the Criminal Appeal and addressed his argument in support of IA No.1/2023. The Co-ordinate Bench of this Court after considering such arguments, rejected the application by categorically holding that there was no error that was committed while passing the judgment.

The conviction was recorded in accordance with Section 141 of Negotiable Instruments Act. The Court has also observed that the accused had preferred Special Leave Petition before the Hon'ble Apex Court, challenging the judgment dated 14.10.2022, which came to be dismissed. Under such circumstances, IA No. 1/2023 filed by the petitioner was dismissed vide order dated 23.06.2023.

11. Admittedly, the said order was never challenged by the petitioner. But again an attempt was made by filing the writ petition seeking to quash the judgment of conviction and order of sentence passed by the Co-ordinate Bench of this Court by preferring this writ petition. I do not find any justification for the petitioner to file and maintain the writ petition seeking to quash the judgment of conviction and order of sentence passed by the Coordinate Bench of this Court in an appeal on any ground when the Hon'ble Apex Court refused to interfere with the said judgment.

12. Learned counsel for the petitioner contended that after disposal of the criminal appeal by this Court and dismissal of the special Leave appeal by the Hon'ble Apex Court, there was an agreement between the parties and the said agreement is dated 25.11.2023. The copy of the agreement is produced as per Annexure - Y. Interestingly, the petitioner herein who contends that he was not the Director, nor he was representing accused No.1 - Company is the signatory to the agreement representing the Company. There is no reasonable explanation by the learned counsel for the appellant as to why the petitioner has entered into an agreement with the respondent, if he is not the Director and was not representing accused No.1-Company. The petitioner cannot be permitted to blow hot and cold by contending that he represented accused No.1 before the Trial Court during trial, before this Court in the Criminal Appeal and also in the agreement relied on by him and produced as per Annexure - Y and at the same time contend that he is not the Director and not representing accused No.1.

13. As per the agreement dated 25.11.2023, the petitioner had paid Rs.10 lakhs to the respondent and

agreed to pay Rs.1.90 crores within 175 days. Admittedly, this condition imposed in the agreement was never complied by the petitioner. Learned counsel for respondent No.1 contended that there was no intention on the part of the petitioner to comply with the conditions mentioned in the agreement and he never paid any amount pursuant to the same. Under such circumstances, it cannot be said that in lieu of the agreement entered into between the parties, the judgment of conviction and order of sentence passed by this Court in the Criminal Appeal is liable to be quashed.

14. The contention of the learned counsel for the petitioner is that the moment the parties enter into an agreement, irrespective of the fact as to whether the petitioner has complied with the conditions mentioned in the agreement or not, the judgment of conviction and order of sentence is liable to be quashed, asking the respondent to seek enforcement of the agreement, cannot be accepted even for a moment.

15. Admittedly, this agreement produced as per Annexure - Y was never produced either before this Court or before the Hon'ble Apex Court when the matters were pending for consideration. When the terms of agreement was never complied even according to the petitioner, he cannot take advantage of such agreement of to seek quashing of the judgment of conviction and order of sentence passed by the Co-ordinate Bench of this Court. Filing of the writ petition is in clear abuse of process of law, for which the petitioner is responsible. The petitioner cannot hoodwink the Court by filing the writ petition and seeking the relief which is beyond the scope of Section 482 of Cr.PC or Article 227 of Constitution of India.

16. Learned counsel for the petitioner has placed reliance on the decision of this Court in **SMT. LAKSHMIBAI VS. STATE OF KARNATAKA And Others** (Crl.P.No.7649/2022 dated 16-06-2022) where the Coordinate Bench of this Court considered the question as to whether the compromise arrived at between the parties post-conviction can be taken into consideration exercising the jurisdiction under Section 482 CrPC

and held it in the affirmative to close the proceedings despite conviction.

17. The Court placed reliance on the decision of the Apex Court in RAMGOPAL AND ANOTHER VS. THE STATE OF MADHYA PRADESH (2021 SCC OnLine 834) where it is held that when there is a settlement between the parties, the same can be accepted and the proceedings can be obliterated by the court under petition under Section 482 CrPC. But the same cannot be stretched to say that the proceedings may be quashed post-conviction, when admittedly the petitioner has not bothered to comply with the terms of the compromise. If the contention taken by the petitioner is to be accepted, respondent No.2 who is successful before this Court in the Criminal Appeal will be compelled to accept the agreement which was never acted upon by the petitioner. Under these circumstances, I am of the opinion that the petitioner is not entitled for any relief in this petition.

18. In view of the above, I answer the above point in the 'negative' and proceed to pass the following:

ORDER

The writ petition is **dismissed**. "

The order of the coordinate Bench is called in question before the Apex Court, which comes to be dismissed on the ground of delay.

7. Before filing of Writ Petition No.14332 of 2024 which comes to be filed on 27-05-2024, a review had been referred before the Apex Court on 13-05-2024 seeking review of the order rejecting the S.L.P. on the ground of delay in Review Petition (Crl.) (Diary

No.22912 of 2024). The Apex Court rejects the review petition by the following order:

> "UPON perusing papers, the Court made the following:
>
> O R D E R
>
> **Prayer for open Court hearing of the review petition is rejected.**
>
> **The review petition is dismissed on the ground of delay, as well as, on merits, in terms of the signed order.**
>
> Pending application(s), if any, shall stand disposed of."

(Emphasis supplied at each instance)

After all the aforesaid orders, an application in I.A.No.1 of 2026 is preferred in Criminal Appeal No.422 of 2015 which had ended in conviction of the petitioner, seeking recall of the order dated 14-10-2022 by which the petitioner was convicted of the offence and challenge to the said conviction was not interfered with by the Apex Court. The application is said to have been heard before the concerned Court on several dates from 05-06-2025 to 17-03-2026. After filing of the said application seeking recall, the present petition is preferred seeking the aforesaid prayer.

8. If the prayer of the petitioner is considered and proceedings are annulled, it would be undoing the conviction dated 14-10-2022, against which an S.L.P. so preferred has been rejected and the review petition so filed has also been rejected by the Apex Court. Though dismissal of S.L.P. in limine would not amount to merger of the order, nonetheless the conviction has not been interfered with by the Apex Court. To escape conviction, as observed hereinabove, ingenious efforts are being projected by the petitioner, every now and then in different petitions. If this would be permitted, it would, on the face of it, be permitting the abuse of the process of law by the petitioner, who has suffered conviction at the hands of the coordinate Bench.

9. The coordinate Bench hearing the matter on recall of the order would not mean that this Court shall entertain the petition under Section 482 of the Cr.P.C., and quash several orders of the coordinate Benches, as if this Bench would be exercising appellate jurisdiction over the orders passed by the coordinate Bench. In fact, this case becomes a fit case to impose exemplary costs upon the petitioner. However, since an application is being heard in

Criminal Appeal No.422 of 2015, this Bench is holding its hands in imposition of any costs. The petition is neither maintainable nor entertainable.

10. The petition, therefore, stands ***rejected.***

Pending application if any, also stand disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

Bkp
CT:BR