



NC: 2025:KHC:34483
CRL.P No. 6013 of 2025
C/W CRL.P No. 6015 of 2025
CRL.P No. 6017 of 2025
AND 14 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO. 6013 OF 2025

C/W

CRIMINAL PETITION NO. 6015 OF 2025

CRIMINAL PETITION NO. 6017 OF 2025

CRIMINAL PETITION NO. 6019 OF 2025

CRIMINAL PETITION NO. 6020 OF 2025

CRIMINAL PETITION NO. 6025 OF 2025

CRIMINAL PETITION NO. 6028 OF 2025

CRIMINAL PETITION NO. 6030 OF 2025

CRIMINAL PETITION NO. 6347 OF 2025

CRIMINAL PETITION NO. 6354 OF 2025

CRIMINAL PETITION NO. 6361 OF 2025

CRIMINAL PETITION NO. 6371 OF 2025

CRIMINAL PETITION NO. 6373 OF 2025

CRIMINAL PETITION NO. 6381 OF 2025

CRIMINAL PETITION NO. 6383 OF 2025

CRIMINAL PETITION NO. 6390 OF 2025

CRIMINAL PETITION NO. 6391 OF 2025

IN CRL.P No. 6013/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY





NC: 2025:KHC:34483
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C/W CRL.P No. 6015 of 2025
CRL.P No. 6017 of 2025
AND 14 OTHERS

TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008, TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN
C.C.NO.994/2025 ARISING OUT OF PCR NO.70/2025
REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED
OFFENCE P/US/ 138 OF NI ACT PENDING ON THE FILE OF THE
I ADDL. CIVIL JUDGE AND JMFC SHIVAMOGGA AT ANNEXURE B
AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6015/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB



AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008, TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)



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C/W CRL.P No. 6015 of 2025
CRL.P No. 6017 of 2025
AND 14 OTHERS

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.2198/2025 ARISING OUT OF PCR NO.102/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6017/2025
BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008, TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS



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R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.996/2025 ARISING OUT OF PCR NO.68/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6019/2025
BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008, TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND



NC: 2025:KHC:34483
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SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.2199/2025 ARISING OUT OF PCR NO.101/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I. ACT, PENDING ON THE FILE OF I ADDL. CIVIL JUDGE AND JMFC, SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6020/2025
BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503



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CRL.P No. 6013 of 2025
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CRL.P No. 6017 of 2025
AND 14 OTHERS

EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008, TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN
C.C.NO.2201/2025 ARISING OUT OF PCR NO.99/2025
REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED
OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I
ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-
B AGAINST THE PETITIONER HEREIN.



NC: 2025:KHC:34483
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C/W CRL.P No. 6015 of 2025
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IN CRL.P NO. 6025/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
FLAT NO. 501H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008, TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS
BAPUJI NAGAR



NC: 2025:KHC:34483
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C/W CRL.P No. 6015 of 2025
CRL.P No. 6017 of 2025
AND 14 OTHERS

SHIVAMOGGA CITY
KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.2200/2025 ARISING OUT OF PCR NO.100/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6028/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008, TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203



NC: 2025:KHC:34483
CRL.P No. 6013 of 2025
C/W CRL.P No. 6015 of 2025
CRL.P No. 6017 of 2025
AND 14 OTHERS

REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.991/2025 ARISING OUT OF PCR NO.71/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I ADDL. CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6030/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
FLAT NO.501, H.S. RESIDENCY
VALI COLONY, TOLI CHOWKI
GOLKONDA



NC: 2025:KHC:34483
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CRL.P No. 6017 of 2025
AND 14 OTHERS

HYDERABAD-500 008
TELANGANA STATE.

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN
C.C.NO.997/2025 ARISING OUT OF PCR NO.69/2025
REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED
OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I
ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-
B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6347/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB



NC: 2025:KHC:34483
CRL.P No. 6013 of 2025
C/W CRL.P No. 6015 of 2025
CRL.P No. 6017 of 2025
AND 14 OTHERS

AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT
HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, HYDERABAD-500 008
TELANGANA STATE.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)



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CRL.P No. 6017 of 2025
AND 14 OTHERS

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.1200/2025 ARISING OUT OF PCR NO.98/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCES P/U/S 138 OF N.I. ACT, PENDING ON THE FILE OF I ADDL. CIVIL JUDGE AND JMFC, SHIVAMOGGA AT ANNEXURE-B, AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6354/2025
BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS



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AND 14 OTHERS

R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.988/2025 ARISING OUT OF PCR NO.72/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6361/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 51 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND



NC: 2025:KHC:34483
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CRL.P No. 6017 of 2025
AND 14 OTHERS

SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) PRAYING TO QUASH CRIMINAL CASE IN
C.C.NO.2196/2025 ARISING OUT OF PCR NO.106/2025
REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED
OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I
ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-
B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6371/2025
BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034



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CRL.P No. 6017 of 2025
AND 14 OTHERS

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, HYDERABAD-500 008.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) PRAYING TO QUASH THE PROCEEDINGS IN
C.C.NO.1198/2025 ARISING OUT OF PCR NO.96/2025
REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED
OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I
ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-
B AGAINST THE PETITIONER HEREIN.



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C/W CRL.P No. 6015 of 2025
CRL.P No. 6017 of 2025
AND 14 OTHERS

IN CRL.P NO. 6373/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI
HYDERABAD-500 008.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS
BAPUJI NAGAR



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CRL.P No. 6017 of 2025
AND 14 OTHERS

SHIVAMOGGA CITY
KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.2194/2025 ARISING OUT OF PCR NO.108/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6381/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500 008.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203



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CRL.P No. 6017 of 2025
AND 14 OTHERS

REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.2197/2025 ARISING OUT OF PCR NO.105/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I ACT PENDING ON THE FILE OF I ADDL.CIVIL JUDGE AND J.M.F.C. SHIVAMOGGA AT ANNEXURE-B AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6383/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI
HYDERABAD-500 008.



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CRL.P No. 6017 of 2025
AND 14 OTHERS

MOB:7877775503

EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNSS) PRAYING TO QUASH THE CRIMINAL CASE
NO.1201/2025 ARISING OUT OF PCR NO.97/2025
REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED
OFFENCE P/U/S 138 OF N.I. ACT, PENDING ON THE FILE OF I
ADDL. CIVIL JUDGE AND JMFC, SHIVAMOGGA AT ANNEXURE-B
AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6390/2025

BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB



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AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI
HYDERABAD-500 008.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS
R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY
KARNATAKA-577203.

...RESPONDENT

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)



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THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN C.C.NO.1199/2025 ARISING OUT OF PCR NO.94/2025 REGISTERED AGAINST THE PETITIONER FOR THE ALLEGED OFFENCE P/U/S 138 OF N.I. ACT, PENDING ON THE FILE OF I ADDL. CIVIL JUDGE AND JMFC, SHIVAMOGGA AT ANNEXURE-B, AGAINST THE PETITIONER HEREIN.

IN CRL.P NO. 6391/2025
BETWEEN:

1. SMT. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED ABOUT 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES HYDERABAD
R/O PLOT NO. 32/33, BILKIS MANZIL
ROAD NO. 12, MLA COLONY
BANJARA HILLS, HYDERABAD-500034

ALSO R/AT HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI
HYDERABAD-500 008.
MOB:7877775503
EMAIL: HEERAIBG.IN@GMAIL.COM

...PETITIONER

(BY SRI. CHANDPASHA, ADVOCATE)

AND:

1. M/S 1-HELP TECHNOLOGY AND
SOFTWARE SOLUTIONS PVT LTD.
A SOFTWARE COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
OFFICE AT 3RD CROSS, WADI A HUDA
NEAR GALAXY CONVENTION HALL
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS

1. MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR
AGED ABOUT 32 YEARS



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R/O 7TH CROSS, TANK MOHALLA
SHIVAMOGGA CITY, KARNATAKA-577203.

2. MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN
AGED 31 YEARS
R/O 8TH CROSS, BAPUJI NAGAR
SHIVAMOGGA CITY, KARNATAKA-577203.

...RESPONDENTS

(BY SRI. MAHAMMAD ANWAR, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL CASE IN CC.NO.2195/2025 ARISING OUT OF PCR.NO.107/2025 REGISTERED AGAINST THE PETITIONER, FOR THE OFFENCE P/U/S 138 OF N.I ACT, PENDING ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND JMFC, SHIVAMOGGA, AT ANNEXURE-B, AGAINST THE PETITIONER HEREIN.

THESE PETITIONS, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

These batch of petitions are taken up together as identical issue is raised in all these petitions filed by the common accused seeking quashing of the proceedings in C.C.No.994/2025(arising out of PCR.No.70/2025), C.C.No.2198/2025(arising out of PCR.No.102/2025), CC.No.996/2025(arising out of PCR.No.68/2025), CC.No.2199/2025(arising out of PCR.No.101/2025),



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CC.No.2201/2025(arising out of PCR.No.99/2025,
CC.No.2200/2025(arising out of PCR.No.1200/2025),
CC.No.991/2025(arising out of PCR.No.71/2025), CC.
No.997/2025 (arising out of PCR.No.69/2025),
CC.No.1200/2025(arising out of PCR.No.98/2025),
CC.No.988/2025(arising out of PCR.No.72/2025),
CC.No.2196/2025(arising out of PCR.No.106/2025),
CC.No.1198/2025(arising out of PCR.No.96/2025),
CC.No.2194/2025(arising out of PCR.No.108/2025),
CC.No.2197/2025(arising out of PCR.No.105/2025),
CC.No.1201/2025(arising out of PCR.No.97/2025),
CC.No.1199/2025(arising out of PCR.No.94/2025),
CC.No.2195/2025(arising out of PCR.No.107/2025)
pending on the file of I Additional Civil Judge and JMFC,
Shivamogga, for the offence punishable under Section 138
of Negotiable Instruments Act, 1881 (for short "N.I.Act").

2. The private complaints in the present batch are
filed by *M/s. 1-Help Technology and Software
Solutions* invoking Section 223 of the Bharatiya Nagarika



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Suraksha Sanhita, 2023 (BNSS, 2023) read with Sections 138 and 142 of the N.I. Act, alleging commission of offences punishable under Section 138 of the said Act. The case of the complainant is that the cheques issued by the CEO and Managing Director of *Heera Group of Companies* towards discharge of liability came to be dishonoured. In all, seventeen cheques were issued, and consequently, seventeen separate complaints have been instituted.

3. The substance of the complaints is that the respondent/complainant is a software company engaged in designing, developing, marketing software products, running call centres, and maintaining social media accounts of political parties and other public figures, having operations throughout India. According to the complainant, the petitioner/accused entered into an agreement for development of software, under which the petitioner/accused was required to pay a sum of Rs.9,84,24,292/-.



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4. It is the case of the respondent/complainant that the project entrusted to it was duly accomplished. Despite repeated demands and execution of several Memorandum of Understanding, the petitioner/accused failed to discharge its liability. Eventually, cheques were issued by the petitioner/accused which, upon presentation, were dishonoured.

5. The petitioner/accused company, however, has taken a common defence in all petitions. It is contended that the respondent/complainant was engaged only on a contractual basis to create a website and manage social media platforms of the petitioner/accused. Further, it is alleged that the respondent/complainant directly collected funds from the public in the name of the petitioner/accused and transferred them to its own accounts, and that the cheques in question were misused by the Directors of the complainant company. On such grounds, the petitioner seeks quashing of proceedings,



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asserting that no offence under Section 138 of the N.I. Act is made out.

6. Learned Senior Counsel appearing for the petitioner/accused has placed reliance on the judgment of the Hon'ble Supreme Court in ***Himanshu .vs. B. Shivamurthy and another***¹ to contend that the complaints as framed are not maintainable. It is urged that since the company itself has not been arraigned as an accused, the entire proceedings stand vitiated, and such a defect is incurable.

7. Per contra, learned counsel for the respondent/complainant submits that the complaints are in strict compliance with Section 138(b) read with Section 141 of the N.I. Act, and that the legal requirements have been fulfilled. Hence, no indulgence is warranted at the hands of this Court.

¹ (2019) 3 SCC 797



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8. I have heard the learned Senior Counsel appearing for the petitioner/accused and the learned counsel appearing for the respondent/complainant.

9. The points that arise for consideration are as follows:

"(I) Whether the private complaints instituted under Section 223 of BNSS, 2023 for the offence punishable under Section 138 of the N.I. Act are liable to be quashed solely on the ground that the notice under Section 138(b) of N.I. Act was served on the Managing Director and CEO of the company?

(II) Whether the defect of not impleading the Managing Director and CEO of the company is curable and can be cured despite the fact the Magistrate has taken cognizance and summons are issued?

(III) Whether the M.D. and CEO of the company who had issued multiple cheques in favour of the complainant can be arraigned as accused No.2 at this stage? "



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FINDING ON POINTS I, II and III :

10. In all the complaints, the respondent/complainant has specifically pleaded that statutory legal notice was issued in compliance with Section 138(b) of the N.I. Act. The notice clearly discloses the party to whom it was addressed. The relevant portion of the notice issued to the petitioner/accused is extracted hereinbelow:

"TO:

MRS. SHAIK NOWHERA

D/O LATE SHAIK NANNE SAHEB

AGED 48 YEARS

CEO AND MANAGING DIRECTOR OF

HEERA GROUP OF COMPANIES HYDERABAD

R/O PLOT NO.32/33, BILKIS MANZIL

ROAD NO.12, MLA COLONY, BANJARA HILLS

HYDERABAD-500034, TELANGANA STATE.

AND ALSO AT:

R/O HOUSE NO.9-4-134/A/5/23/1/A

H.S. RESIDENCY, VALI COLONY

TOLI CHOWKI, GOLKONDA

HYDERABAD-500008."



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11. In all the cases before this Court, the cheques in question were drawn and signed by the Chief Executive Officer and the Managing Director of Heera Group of Companies. On a close reading of the extracted portion of the legal notice, this Court is of the view that the notice contemplated by clause (b) of Section 138 of the N.I. Act was addressed to the CEO and Managing Director in their official capacity. The notice was not directed to the individual personally but expressly to Mrs. Shaik Nowhera in her capacity as CEO and Managing Director of the company.

12. Section 141 of the N.I. Act, supplies the statutory basis on which liability may be visitable upon directors and other persons connected with a company, once the conditions specified in that Section are satisfied. By contrast, the requirement imposed by clause (b) of Section 138 is procedural and specific: the legal notice must be sent to the drawer of the cheque. Clause (b) does not, by its terms, require that notice be sent separately to



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every person who might, by virtue of Section 141 of N.I.Act, be held liable in addition to the drawer. The statutory requirement is therefore directed at service on the drawer; identification of other potentially liable persons under Section 141 is a separate substantive question.

13. Viewed in light of the statutory scheme, a further consequence follows. Section 141 of the N.I. Act, enacts a legal fiction by which acts or omissions of specified office-bearers are attributable to the company for the purposes of the Act. Where, therefore, the drawer of a cheque is an office-bearer who is shown to have acted on behalf of the company, a notice lawfully addressed to and served upon that officer in his or her official capacity operates, in practical and legal effect, as a notice directed at the company as well. In short, service of the Section 138 notice on the CEO and Managing Director, addressed and shown to be in their official capacity, will ordinarily satisfy the service requirement vis-à-vis the company.



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14. Section 141(1) of N.I. Act, attributes vicarious or derivative liability to the persons enumerated therein for offences committed by the company; the provision thereby interlinks the responsibility of the corporate entity and of the individuals who act on its behalf. Applying this principle in the present context, a notice addressed to the CEO and MD (who signed the cheque and who are the persons contemplated by Section 141 of the N.I. Act) engages the statutory nexus between the company and its officers: notice to those officers is, by the scheme of the statute, notice that is capable of being treated as notice to the company for the limited purpose of invoking proceedings under Section 138 of the N.I. Act, in the present case on hand.

15. Bearing the foregoing in mind, the operative facts are these: the cheque impugned was drawn on behalf of the company and signed by its Director; the notice under Section 138 of N.I. Act was issued to the CEO and Managing Director who signed the cheque; and the



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learned Magistrate has taken cognizance of the private complaints. The next question for determination is whether, notwithstanding the foregoing, the complaints are fatally defective because the corporate entity itself has not been impleaded as an accused and, if so, whether such defect is curable. To consider that question in context, this Court deems it appropriate to extract the cause title from one of the private complaints instituted in PCR No. 70/2025, which reads as under:

"COMPLAINANT:

*M/S 1-HELP TECHNOLOGY AND SOFTWARE SOLUTIONS
PVT LTD.,
A SOFTWARE COMPANY,
(GST REG. NO. 29AABCZ3026F1ZE),
OFFICE AT 3RD CROSS, WADI A HUDA,
NEAR GALAXY CONVENTION HALL,
SHIVAMOGGA CITY - 577203
REPRESENTED BY ITS DIRECTORS,*

*(1). MR. MOHAMMED AKHEEL
S/O MOHAMMED BAHADDUR,*



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CRL.P No. 6017 of 2025
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AGED 32 YEARS,
R/O 7TH CROSS, TANK MOHALLA,
SHIVAMOGGA CITY, KARNATAKA.

(2). MR. MOHAMMED MUNEEB KHAN
S/O SHAFIULLA KHAN,
AGED 31 YEARS,
R/O 8TH CROSS, BAPUJI NAGAR,
SHIVAMOGGA CITY, KARNATAKA
V/S

ACCUSED:

MRS. SHAIK NOWHERA
D/O LATE SHAIK NANNE SAHEB
AGED 48 YEARS
CEO AND MANAGING DIRECTOR OF
HEERA GROUP OF COMPANIES
HYDERABAD
R/O PLOT NO.32/33, BILKIS MANZIL
ROAD NO.12, MLA COLONY,
BANJARA HILLS, HYDERABAD-500034,
TELANGANA STATE.

AND ALSO AT:
R/O HOUSE NO.9-4-134/A/5/23/1/A
H.S. RESIDENCY, VALI COLONY
TOLI CHOWKI, GOLKONDA
HYDERABAD-500008.
TELANGANA STATE."



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16. The short point that arises for consideration is the manner in which the accused has been described in the cause title of the private complaint. On perusal of the culled-out portion, it becomes evident that, instead of describing the accused in the conventional form as "*Heera Group of Companies represented by its CEO and M.D.*", the complainant has inverted the description, first mentioning the name of the Director and thereafter appending the designation and the company's name. Such a mode of description, though somewhat irregular, does not alter the substance of the pleading. It still conveys in unambiguous terms that the complaint is directed against the company, with reference to its CEO and M.D. Therefore, the argument advanced on behalf of the accused that the company is not made a party at all is, in the opinion of this Court, far too hypertechnical and cannot be accepted.

17. The cause title, when read as a whole, clearly establishes that the company is very much impleaded as



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an accused. The only discernible defect is that the Director who signed the cheques has not been separately arrayed as Accused No.2, alongside the company. Such an omission is not of a nature that renders the proceedings void *ab initio*; rather, it is a curable defect that can be appropriately remedied during the course of proceedings. This Court cannot lose sight of the magnitude of the transactions in question, seventeen cheques aggregating to a sum of Rs.9,84,24,292/-. To adopt an unduly rigid or hyper-technical approach in such a context would result in grave prejudice to the complainant, effectively enabling the accused to evade liability despite the substantive ingredients of Section 138 of the N.I. Act being fully attracted.

18. It is well-settled that the object of enacting Section 138 of the N.I. Act, was to enhance the credibility of commercial transactions by attaching penal consequences to the dishonour of cheques issued in discharge of legally enforceable debts or liabilities. The



provision is not merely punitive in nature. By virtue of Section 357(3) of the Code of Criminal Procedure, 1973 (now Section 401 of BNSS, 2023) and Section 143A and Section 148 of the N.I. Act, the Court is empowered to award compensation to the complainant which can extend to twice the cheque amount. Thus, the legislative intent is twofold: first, to deter unscrupulous drawers of cheques by imposing criminal liability; and second, to ensure restitution to the payee by securing compensation commensurate with the cheque amount, often double of it. The prosecution under Section 138 of the N.I. Act therefore serves not only a penal purpose but equally an economic and compensatory one.

19. In this backdrop, the judgments relied upon by the learned Senior Counsel for the accused, though laying down the general principle that arraignment of the company is mandatory, cannot be mechanically applied to the present case. The facts here disclose that the company is indeed impleaded, albeit not in the most conventional



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form, and the defect, if any, is curable. To quash the proceedings at this stage on such a technical ground would frustrate the very object of Section 138 of N.I. Act, which is to promote the efficacy of banking transactions, safeguard the sanctity of commercial dealings, and ensure that honest creditors are not left remediless. Accordingly, point No. I is answered in the negative and point Nos. II and III are answered in the affirmative.

CONCLUSIONS:

(i) *On service of notice under Section 138(b) of N.I. Act:*

The settled principle of law is that in a prosecution under Section 138 of the N.I. Act, the company, being the drawer of the cheque, is ordinarily a necessary party. However, once the Magistrate has taken cognizance of the offence, the proceedings cannot be quashed on a mere technical plea that the company has not been properly described in the cause title, unless it is demonstrably shown that no notice under Section 138(b) of N.I. Act, was



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served on the company. Service of statutory notice on the company is the sine qua non for initiation of proceedings, absence of such service goes to the root of jurisdiction and vitiates the complaint. But where notice has been duly issued and served on the company through its CEO, MD or authorised signatory, the mere inversion or irregularity in the description of the accused cannot be a ground to terminate the prosecution.

The requirement of clause (b) of Section 138 of N.I. Act is that notice must be addressed to the drawer of the cheque. Where the cheque is drawn by a company, the company is the principal drawer. Yet, the cheque necessarily bears the signature of an officer of the company, such as its CEO, MD or authorised Director. In such circumstances, service of notice on the officer who signed the cheque in his or her official capacity constitutes valid notice on the company itself. Conversely, where the company has been duly served, such notice, by operation of Section 141, is deemed notice to the Directors and



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officers responsible for the conduct of its business. Thus, there is a reciprocal principle: notice on the company is constructive notice on its Directors; and notice on the Directors, when they have acted as authorised signatories of the company, is deemed service on the company.

(ii) ***On curability of defects in arraignment:***

Failure to array a Director separately as Accused No.2, despite service of statutory notice on the company, is a curable defect. Such omission may be rectified in exercise of powers under Section 223 of BNSS 2023 or under Section 319 Cr.P.C. (parimateria provision), depending upon the stage of the proceedings. What is fatal, however, is not the omission to array a Director separately, but the failure to serve notice on the company, for service of notice is the condition precedent for maintaining the complaint.



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(iii) ***On the object of Section 138 prosecution:***

The object of the N.I. Act is not only to prescribe penal consequences for dishonour of cheques but also to ensure compensatory relief to the payee, often up to double the cheque amount. The legislative scheme discourages hypertechnical objections intended to defeat the object of the statute. Substance must prevail over form: so long as the company, being the drawer, has been duly notified, and cognizance has been taken on that basis, technical defects in the description or arraignment cannot be permitted to nullify the proceedings.

(iv) The Hon'ble Apex Court, in the case of ***Aneetha Hada .vs. Godfather Travels & Tours (P) Limited²***, has categorically laid down the principle that arraigning of the company as an accused is a mandatory requirement for maintaining prosecution under Section 141 of the Negotiable Instruments Act, 1881. In the said judgment, the Apex Court drew a clear distinction between two

² (2012) 5 SCC 661



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situations: (i) cases where the company itself is not made an accused at all, and (ii) cases where the company has indeed been arrayed as an accused but, owing to a legal bar, no proceedings could be continued against it. The Court held that the prosecution of the company is a *sine qua non* for prosecuting the persons who fall within the second and third categories, namely Directors, Officers, or other persons responsible for the conduct of the business of the company. It was in this background that the Apex Court concluded that for a valid prosecution under Section 141 of the N.I. Act, the company must necessarily be impleaded as an accused. In arriving at this conclusion, the Court expressly overruled the view taken in ***Sheoratan Agarwal and another .vs. State of M.P.***³ and clarified that the ratio laid down in ***U.P. Pollution Control Board .vs. Modi Distillery***⁴ must be treated as confined to its own facts and cannot be generalized.

³ 1984 AIR 1824

⁴ (1987) 3 SCC 684



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(v) Similarly, in ***Himanshu*** (*supra*), the Hon'ble Apex Court reiterated the same position of law while dealing with the maintainability of a prosecution under Section 141 of the N.I. Act where the complaint was filed solely against a Director without arraigning the company as an accused. The Court reaffirmed that such prosecution is not maintainable in the absence of the company being made a party to the proceedings.

(vi) However, it is pertinent to note that neither of the aforesaid judgments rendered by the Hon'ble Apex Court have adverted to the issue of whether such a defect could be cured even after the Magistrate has taken cognizance of the offence. To illustrate, if the holder of a cheque issues a statutory demand notice under Section 138(b) of the N.I. Act to a Director in his capacity as the person who had issued the cheque on behalf of the company, such notice must necessarily be deemed to be a notice served upon the company as well. In such circumstances, the requirements under Section 138(b) of



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the N.I. Act stand substantially complied with. Consequently, even if the company was not initially arraigned as an accused at the time of filing of the complaint, it can still be impleaded as an accused subsequently, even after cognizance has been taken by the Magistrate.

(vii) Conversely, in cases where the statutory demand notice under Section 138(b) of the N.I. Act is issued only to an individual in his personal capacity and not in his representative capacity as a Director, CEO, or authorized signatory of the company which had issued the cheque, the position of law would be different. In such cases, if a complaint is lodged against the individual alone and cognizance is taken by the Magistrate, the defect of non-impleadment of the company as an accused is incurable. The company cannot later be impleaded post cognizance, as the foundational requirement of statutory notice to the company would be absent, thereby vitiating the proceedings.



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(viii) In the present case, the accused, being the Managing Director and Chief Executive Officer of the company, has admittedly issued as many as 17 cheques aggregating to a staggering sum of ₹9,84,24,292/-. When such a substantial financial liability has been sought to be discharged through issuance of cheques by the accused in his representative capacity, dismissal of the complaint on a mere technical ground of defective description or arraignment of parties would result in gross miscarriage of justice and defeat the very object of the N.I. Act. The legislative intent underlying Section 138 is to safeguard the credibility of commercial transactions and to secure compensatory relief to the payee, such salutary object cannot be frustrated by allowing hypertechnical objections to prevail over the admitted fact of dishonour of cheques of such magnitude.



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For the foregoing reasons, criminal petitions are devoid of merit and accordingly, stand ***dismissed***.

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

ALB
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