



CNR: KAHC010263882019

NC: 2026:KHC:45116
CRL.P No. 6138 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 6138 OF 2019

BETWEEN:

1. SRI PUNITH
S/O LATE CHANDRASHEKAR
AGED ABOUT 27 YEARS
COLLECTION RECOVERY EXECUTIVE OF
M/S TATA MOTORS FINANCE LIMITED
HAVINT ITS BRANCH OFFICE
PRESENTLY AT NO.67/14,
F-10, 2ND FLOOR,
NEAR SAYAJJI RAO ROAD,
KHILLA MOHALLA
MYSORE - 570 004.
2. SRI ABHISHEK V
S/O D VENKATESH
AGED ABOUT 30 YEARS,
TEAM LEADER
M/S TATA MOTORS FINANCE LIMTIED,
HAVING ITS BRANCH OFFICE
PRESENTLY AT NO.67/14,
F-10 2ND FLOOR,
NEAR SAYYAJI ROAD
KHILLA MOHALLA
MYSORE - 570 004.

...PETITIONERS

(BY SMT.SRIDEVI, ADVOCATE FOR
SRI PATIL J M., ADVOCATE)

AND:

1. THE STATE BY KRISHNARAJA
POLICE STATION

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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MYSORE-571 602.
REP BY SPP
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. MR FAIZ AHAMED
S/O ABDULLA SATTAR
RESIDING AT NO.2086
THURABALI ROAD
MODREN WOOD FURNITURE,
MANDI MOHALLA
MYSORE - 570 001.

...RESPONDENTS

(BY SRI SURYA MUKUNDARAJ L., ADDL.SPP FOR R1;
R2 - SERVED & UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C., PRAYING TO
QUASH THE CHARGE SHEET FILED BY RESPONDENT NO.1 IN CRIME
NO.45/2017 NOW WHICH IS PENDING ON THE FILE OF IV JMFC.,
MYSORE IN C.C.NO.812/2019 ANNEXURE-A AND ETC.,

THIS PETITION IS COMING ON FOR *ADMISSION*, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging charge sheet and entire proceedings in CC
no.812/2019 on file of IV JMFC, Mysuru for offences punishable
under Section 420 read with Section 34 of Indian Penal Code,
1860 (**IPC**), this petition is filed.

2. Smt.Sridevi, learned counsel appearing for Sri JM
Patil, advocate for petitioners submitted that petitioners were



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arraigned as accused no.1 and 2 in complaint filed by respondent no.2 (**complainant**) on 06.03.2017 stating that for purchase of Tata Nano Car, complainant had obtained financial assistance from Tata Motors Finance Solutions Ltd., Mysuru (**Tata Motors**). On ground that he had not remitted installments, his vehicle was seized on 21.10.2016. Thereafter, on 29.10.2016, notice was issued to complainant for remittance of Rs.15,534/- as outstanding. Though complainant had remitted Rs.9,000/- on 16.12.2016 and Rs.9,800/- on 30.12.2016 totalling to Rs.18,800/-, accused persisted with demand for another Rs.10,000/- for release of vehicle. On ground that complainant had failed to remit said amount, vehicle was auctioned off and when complainant sought to enquire, he was ridiculed. Thereafter, when complainant got in touch with a social worker, who contacted accused and along with said person, complainant went and met accused to seek for documents, no information or documents were issued. On other hand, behaviour of accused and Branch Manager was indicative of dishonest intention to cheat complainant by illegally selling off his vehicle. Based on suggestion of social worker, complaint was filed.



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3. It was submitted, though accused were only employees of Tata Motors and could not be arraigned as they had performed requirements of job and on default by complainant in paying loan installments, notice was given to clear dues. On failure, arbitration as provided in loan agreement was invoked. In said proceedings, learned Arbitrator passed award on 30.12.2014 for sum of Rs.84,096/- together with future interest at 18% p.a. Even after award, Tata Motors had issued pre-sale notice to complainant on 29.10.2016 calling upon to pay remaining outstanding. It was also stated that Tata Motors, as a gracious gesture would waive off certain charges, if he paid a sum of Rs.29,218/-. But, complainant remitted only Rs.18,800/- leaving balance of more than Rs.10,000/-. As complainant did not remit full amount, Tata Motors proceeded to dispose of vehicle. It was submitted that entire action of petitioners was as per Company policy and instructions and there was no dishonest intention to cheat. Complaint filed was abuse of process and to exert pressure on accused and therefore, sought for quashing.

4. Sri Surya Mukundaraj L., learned Addl.SPP for respondent-State opposed petition. It was submitted, there



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were clear allegations against accused about issuing demand notice for Rs.15,534/- and assuring to re-deliver vehicle. Even though complainant remitted more than Rs.18,800/-, accused had demanded further sum of Rs.10,000/- and on ground that same was not paid, proceeded to auction off vehicle. It was alleged that when complainant accompanied with social worker approached accused, accused had refused to give information or documents and same would indicate dishonest motive. Therefore, initiation of proceedings was in accordance with law and sought for dismissal.

5. Respondent no.2 is served and unrepresented.

6. Heard learned counsel and perused material on record.

7. This petition is by accused challenging charge sheet and entire proceedings for offence punishable under Section 420 read with Section 34 of IPC.

8. Hon'ble Supreme Court has held that in a challenge of charge sheet and entire proceedings, Court would require to examine entire prosecution material to ascertain whether there existed *prima facie* case against accused to stand trial or there



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was serious doubt or grave suspicion about accused having committed offences. As noted by Hon'ble Supreme Court in ***Delhi Race Club (1940) Ltd. & Ors. v. State of Uttar Pradesh & Anr.*** reported in ***(2024) 10 SCC 690***, ingredients for offence of cheating are as follows:

"1) deception of any person, either by making a false or misleading representation or by other action or by omission;

2) fraudulently or dishonestly inducing any person to deliver any property, or

3) the consent that any persons shall retain any property and finally intentionally inducing that person to do or omit to do anything which he would not do or omit."

9. It is trite law that such dishonest intention to induce to part with any property is required to be established from inception. In instant case, complainant claims that he was issued with demand notice for Rs.15,534/-, whereas award passed in arbitration proceedings initiated by Tata Motors is for Rs.84,096/- with interest rate 18% p.a. Even perusal of letter dated 29.10.2016 stated to be issued by Tata Motors would indicate that demand of Rs.15,534/- was apart from future interest. There is no document or record about complainant



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having remitted entire award amount. On other hand, remittance of Rs.18,800/- as claimed by complainant has been acknowledged in their reply to FIR. Payment of part of amount demanded would invite action for recovery of balance as per loan agreement and dishonest intention cannot be attributed to same.

10. Initiation of criminal proceedings to stifle recovery proceedings has been scorned off by Hon'ble Supreme Court in ***Charanjit Singh Chadha & Ors. v. Sudhir Mehra*** reported in ***(2001) 7 SCC 417***. Attributing criminal/dishonest intent against employees of financial institutions based on vague and omnibus allegations would be abuse of process.

11. In view of above, petition is ***allowed***, proceedings in CC no.812/2019 on file of IV JMFC, Mysuru for offences punishable under Section 420 read with Section 34 of IPC are *quashed*.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

AV
List No.: 1 SI No.: 19