

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 2821 OF 2023

Between:

Amer Beg, S/o Nazir Beg, Age. 40 years, Occ. Professional Car Racer, R/o B-Block, Flat no 503, Adithya Elite, B.S Maqtha Begumpet, Hyderabad, T.S.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad

...RESPONDENT

2. Sri Sanjeev Kumar, Aged major, PC No 3766 of P.S Panjagutta, Hyderabad, T.S

...RESPONDENT/DEFACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in CC No 13843 of 2022 on the file of the Hon'ble XIV Additional Chief Metropolitan Magistrate at Hyderabad.

I.A. NO: 2 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay of all further proceedings in C.C.No. 13843 of 2022 on the file of Hon'ble XIV Additional Chief Metropolitan Magistrate at Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. SATISH CHAKRAVARTHY, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.2821 OF 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-accused to quash the proceedings against him in C.C.No.13843 of 2022 pending on the file of XIV Additional Chief Metropolitan Magistrate, Hyderabad. The offence alleged against the petitioner is punishable under Section 420 read with 511 of Indian Penal Code (for short 'IPC').

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent No.1 – State.

3. The petitioner is being prosecuted on the allegation that two cars which were kept in the cellar of the building where he lives had the same number plate bearing No.AP-09-CA-16.

4. It is not the case of the police that these cars were involved in any criminal activity or with the same numbers, the said vehicles were roaming on the road. To attract an offence of

cheating punishable under Section 420 of IPC, the essential ingredients would be to make a false statement on the basis of which a person would be induced. Further to attract an offence of cheating, the property must have been delivered, pursuant to such inducement. None of the ingredients of Section 415 of IPC are made out, either to prosecute the petitioner under Sections 417 or 420 of IPC. Therefore, the proceedings against the petitioner are liable to be quashed.

5. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner in C.C.No.13843 of 2022 pending on the file of XIV Additional Chief Metropolitan Magistrate, Hyderabad, are hereby quashed. However, this order will not preclude the concerned from prosecuting the petitioner for violation of any of the provisions under Motor Vehicle Act and Rules.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- N CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XIV Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad.
2. The Station House Officer, Panjagutta Police Station, Hyderabad District.

3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri K. SATISH CHAKRAVARTHY, Advocate [OPUC]
5. **Two CD Copies**

Njb

pr

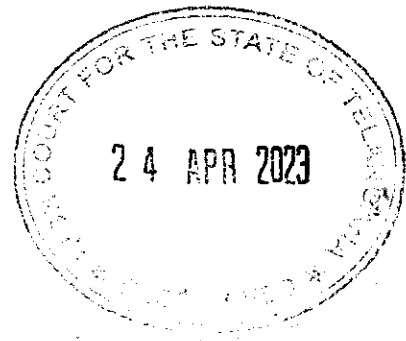
A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small loop.

HIGH COURT

DATED:20/03/2023

ORDER

CRLP.No.2821 of 2023



**ALLOWING THE
CRIMINAL PETITION.**

[Handwritten signature]
13/4/2023