

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE NO: 589 OF 2023

Criminal Revision Case filed under Sections 397 and 401 of CrPC against the Order dated 27.04.2023 passed in CrI.M.P. No. 704 of 2021 in C.C.No.1184 of 2016 on the file of the Court of the II Additional Junior Civil Judge-cum-II Additional Judicial Magistrate of First Class at Karimnagar.

Between:

Meharunnisha Begum, W/o Shaik Jan Khan, Aged about 34 Years, Occ. Employee, R/o. H. No.10-4, Ramnagar, Mancherial District. (Erstwhile Adilabad District).

...PETITIONER/SOLE ACCUSED

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court for the State of Telangana at Hyderabad, Through S.H.O, Karimnagar I Town P.S.
2. M/s Select Motors, Authorized Passenger Car Dealers of TATA Motors, Rep. by its AGM Shravan Kumar, R/o H.No.8-6-396, Kothirampur, Hyderabad Road Karimnagar, Karimnagar District.

...RESPONDENTS/COMPLAINANT

IA NO: 2 OF 2023

Petition under Section 482 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in CC No. 1184 of 2016 on the file of the II Addl. Junior Civil Judge-cum-II Addl. Judicial Magistrate of First Class at Karimnagar pending disposal of the Criminal Revision Case.

Counsel for the Petitioner: SRI M. RAM MOHAN REDDY

Counsel for the Respondent No.1: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.589 OF 2023

ORDER:

This Criminal Revision Case is filed aggrieved by the order dated 27.04.2023 passed by the II Additional Judicial Magistrate of First Class, Karimnagar, in CrI.M.P.No.704 of 2021 in CC.No.1184 of 2016, whereby the learned Magistrate dismissed the petition filed by the accused seeking discharge.

2. The 2nd respondent/complainant is the authorized passenger car dealer of TATA Motors. Complaint was filed against the petitioner herein stating that she had purchased TATA Indica vista LS TDI BS-III car from the show room. They have approached the complainant periodically for the purpose of servicing and on several dates it was also serviced.

3. However, the main contention of the complainant is that complaint was filed by this petitioner before the District Consumer Forum at Karimnagar stating that there was deficiency of service and there were inherent defects in the vehicle, for which reason compensation was sought.

4. The District Consumer Disputes Redressal Forum by order dated 04.09.2015 ordered that the cost of the TATA Indica which

was Rs.5,30,663/- along with 9% interest, compensation of Rs.15,000/- for causing mental agony and inconvenience, Rs.2,000/- costs, should be paid by the complainant/opposite party-1, to this petitioner. Further ordered the opposite party-2 to pay an amount of Rs.10,000/- towards punitive damages.

5. Aggrieved by the said order, the 2nd respondent-complainant herein who is the opposite party-1, preferred an appeal before the State Consumer Disputes Redressal Commission of Telangana at Hyderabad, vide FAIA No.7 of 2016 in FASR 2015/2015 and the same was dismissed by order dated 21.02.2016 and upheld the relief granted to the petitioner herein by the District Consumer Disputes Redressal Forum.
6. The present complaint was lodged on 29.01.2016 i.e. nearly a month before the orders passed in the appeal filed by the 2nd respondent-complainant before the State Consumer Disputes Redressal Commission of Telangana.
7. As stated above, the main allegation against the petitioner herein is that though a complaint was filed in the Consumer forum, the petitioner was taking services of the 2nd respondent-complainant herein for servicing the car. The said services were done on free and also on paid basis.

8. On the basis of the complaint, Police filed charge sheet for the offence under Section 420 of the Indian Penal Code.

9. The petitioner filed application under Section 239 of Cr.P.C. praying to discharge her from the case. The learned Magistrate by order dated 27.04.2023 declined the prayer for discharge, dismissed the said petition and directed that the petitioner shall be tried for the offence under Section 420 of the Indian Penal Code.

10. Learned Counsel for the revision petitioner would submit that none of the ingredients of Section 420 are made out. Even assuming that the petitioner had taken the vehicle to the 2nd respondent for the purpose of servicing, during the pendency of the complaint before the Consumer Forum, it will not in any way attract any of the ingredients of Section 420 of the Indian Penal Code.

11. As seen from the complaint, the only allegation is that the petitioner was taking the vehicle to the 2nd respondent for the purpose of servicing and such services were taken during the pendency of the complaint before the Consumer Forum.

12. To attract an offence of cheating under Section 420 of the Indian Penal Code, a person should have acted deceitfully. By the

said act of deception a person should have delivered property, which would amount to cheating such person.

13. In the present case, except the allegation of taking services of 2nd respondent, there is nothing in the complaint to attract any of the ingredients of Section 420 of the Indian Penal Code.

14. Accordingly, the Criminal Revision Case is allowed and the proceedings against the petitioner are quashed. Consequently the impugned order dated 27.04.2023 passed by the II Additional Judicial Magistrate of First Class, Karimnagar, in CrI.M.P.No.704 of 2021 in CC.No.1184 of 2016, is hereby set aside.

Miscellaneous applications pending, if any, shall stand closed.

SD/- CH.VENKATESWARLU
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Judicial Magistrate of First Class Karimnagar.(with records if any)
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad[OUT]
3. The Station House Officer, Karimnagar I town Police Station, Karimnagar
4. One CC to Sri M. Ram Mohan Reddy, Advocate [OPUC]
5. Sri Shravan Kumar, M/s. Select Motors, Authorised Passenger Car Dealers of TATA Motors, R/o 8-6-396, Kothirampur, Karimnagar.
6. Two CD Copies

plp
NS

HIGH COURT

DATED:29/12/2023

ORDER

CRLRC.No.589 of 2023



**ALLOWING THE CRIMINAL
REVISION CASE**

(8) 20/12/24