HC-KAR

NC: 2026:KHC:59558
CRL.P No. 4521 of 2023

CNR: KAHC010257302023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 4521 OF 2023

BETWEEN:

1. HEMANTH B
   S/O BASAVARAJU
   AGE 42 YEARS
   MANAGER KARNATAKA AGENCIES
   HASSAN COFFEE CURING WORKS
   COMPOUND, D.M HALLI, B.M.ROAD
   HASSAN - 573 201.

2. CYRIL FERNANDEIS
   S/O EDWARD FERNANDIES
   SERVICE MANAGER KARNATAKA AGENCIES
   HASSAN COFFEE CURING WORKS
   COMPOUND, D.M HALLI, B.M.ROAD
   HASSAN - 573 201.

...PETITIONERS

(BY SRI K. SHRIHARI, ADV.)

AND:

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   HASSAN CITY POLICESTATION
   HASSAN - 573 201
   BY STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING
   BANGALORE.

2. K. MOHAN KUMAR
   S/O H.L KUMAR
   AGED ABOUT 47
   R/AT OLD SANTHAMERI
   PUMP HOUSE ROAD
   NEAR OLD CHETHANA CONVENT
   SKALESHPURA, HASSAN - 573 201.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;
SRI ASHOKA T, ADV., FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.1925/2022 ON THE FILE OF PRL.CIVIL JUDGE AND J.M.F.C AT HASSAN FOR THE OFFENCE P/U/S 420,406,34 OF IPC AND SEC.192(B)(C) AND 52(1) OF INDIAN MOTOR VEHICLES ACT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition is filed under Section 482 of Cr.PC with a prayer to quash the entire proceedings in C.C.No.1925/2022 pending before the Court of Prl. Civil Judge & JMFC, Hassan, arising out of Crime No.132/2021 registered by Hassan City Police Station, Hassan, for the offences punishable under Sections 420, 406 read with 34 IPC and Sections 192(B)(C) & 52(1) of the Motor Vehicles Act, 1988.

2. Heard the learned Counsel for the parties.

3. FIR in the present case was registered against the petitioners herein initially by Sakaleshpura Police Station, Hassan District, in Crime No.35/2021 for the aforesaid offences, and subsequently, the same was transferred to

Hassan City Police Station, and registered in Crime No.132/2021 for want of jurisdiction.

4. In the first information, it is averred that the vehicle bearing registration No.KA-46-M-6776 belonging to respondent no.2 herein was handed over for service of the vehicle on 22.12.2020 at Mahindra & Mahindra Showroom in Hassan. After service, when the vehicle was re-delivered to respondent no.2, he noticed that the engine of the vehicle was changed. It is under these circumstances, he has approached the police alleging that without his consent, the engine of the vehicle which was given for service was changed. The police, after investigation, have now filed charge sheet against the petitioners herein who were working as Manager and Service Manager in Karnataka Agencies, which is the authorized dealer of the vehicles manufactured by Mahindra & Mahindra company.

5. Undisputedly, the Company or its Partners/Directors are not arrayed as accused in the present case. It is relevant to note that the defacto complainant has already initiated

proceedings before the jurisdictional District Consumer Redressal Forum seeking compensation in C.C.No.145/2021. In the said proceedings, Karnataka Agencies which is the authorized dealer of Mahindra & Mahindra company and also the company i.e., Mahindra & Mahindra Ltd., are arrayed as respondent nos.1 & 2. However, in the present proceedings, only the petitioners who are the employees of the authorized dealer viz., Karnataka Agencies have been arrayed as accused.

6. Section 192B(4) of the Motor Vehicles Act, 1988, reads as under:

> *"(4) Whoever, being a dealer, obtains a certificate of registration for such vehicle on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration shall be punishable with imprisonment for a term which shall not be less than six months but may extend to one year and with fine equal to ten times the amount of annual road tax or two- third the lifetime tax of the motor vehicle, whichever is higher."*

7. The aforesaid provision of law is applicable only against a dealer. There are no allegations against the petitioners which would attract the aforesaid offence against them. In the absence of the Company or its Partners/Directors or the Dealer,

the petitioners cannot be tried for the alleged offences and they cannot be held vicariously liable for the act of the company or its authorized dealer.

8. It is brought to the notice of this Court that C.C.No.145/2021 has been partly allowed by the Consumer Redressal Forum and as against the order passed in the said proceedings, the respondents therein have preferred appeal, which is pending consideration.

9. The averments found in the first information as well as in the charge sheet are not sufficient to invoke the alleged offences as against the petitioners. Necessary ingredients to invoke the charge-sheeted offences as against the petitioners is absent in the present case. Under the circumstances, I am of the opinion that continuation of the impugned criminal proceedings against the petitioners herein would amount to abuse of process of law. Accordingly, the following order:

10. Petition is allowed. The entire proceedings in C.C.No.1925/2022 pending before the Court of Prl. Civil Judge & JMFC, Hassan, arising out of Crime No.132/2021 registered

by Hassan City Police Station, Hassan, for the offences punishable under Sections 420, 406 read with 34 IPC and Sections 192(B)(C) & 52(1) of the Motor Vehicles Act, 1988, is quashed.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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