

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.9953 of 2024

ORDER:

This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') to quash the proceedings against the petitioner/accused No.1 in Crime No.140 of 2024 of Charminar Police Station, Hyderabad, registered for the offences punishable under Section 420 of the Indian Penal Code, 1860 (for short 'IPC') and Section 80(a) of the Motor Vehicles Act, 1988 (for short 'the Act').

2. The brief facts of the case are that respondent No.2-Sub Inspector of Police, lodged a complaint against the accused stating that when he along with his staff are conducting vehicle checking at Gulzar House X road, they stopped 3 two-wheeler vehicles, driven by the accused, without number plate and that when they asked them why they are driving the vehicles without number plate, they gave hasty answers. Therefore, respondent No.2, seized the vehicles and brought them to Police Station along with the accused. Thereafter, a

case was registered; *vide* Crime No.140 of 2024 for the offences punishable under Section 420 of IPC and Section 80 (a) of the Act.

3. Heard Sri Baglekar Akash Kumar, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondents.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and the allegations leveled against him by respondent No.2, do not constitute any offence. He further submitted that to attract Section 420 of IPC, the accused has to cheat and dishonestly induce the victim to deliver any property to any person or make, alter or destroy an part of valuable property. In the present case, it is nowhere mentioned that the subject vehicle belongs to respondent No.2 or that he has been cheated just for travelling without number plate. Therefore, the offence punishable under Section 420 of IPC does not constitute. He further submitted that Section 80(a) of the Act prescribes for exhibition of Registration number. The said section does not provide for any punishment. Further, it is nowhere mentioned in the Act for

driving vehicle is an offence without number plate. Therefore, he prayed the Court to quash the proceedings against the petitioner.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner and submitted that the allegations against the petitioner, required trial. Hence, he prayed the Court to dismiss the criminal petition.

6. In the light of the submissions made by both the learned counsel and a perusal of the material available on record, it appears that the only allegation against the petitioner is that he drove the vehicle without number plate, as such, the vehicle was seized, which does not come under the purview of Section 420 of IPC. Further, the petitioner was also charged for the offence punishable under Section 80(a) of the Act and the said Section speaks about the procedure in applying for and granting permits to the vehicles. Therefore, driving the vehicle without number plate does not attract Section 80(a) of the Act. Further, if the petitioner drove the vehicle without any number plate, the Police have to impose fine against the petitioner as per the rules or register the case

under the concerned provision. Further, the averments in the complaint does not constitute the offence as alleged against the petitioner. Hence, the proceedings against the petitioner are liable to be quashed.

7. Accordingly, the criminal petition is allowed and the proceedings against the petitioner in Crime No.140 of 2024 of Charminar Police Station, Hyderabad, are hereby quashed.

Miscellaneous applications, if any pending, shall also stand closed.

Date: 11.09.2024

K.SUJANA, J