

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2026
(ARISING OUT OF SLP (CRL.) NO.1783 OF 2026)**

**MOHAMMED ABDUL AHAD
SHAKER ... APPELLANT(S)**

VERSUS

**STATE OF TELANGANA AND
ANOTHER ... RESPONDENT(S)**

O R D E R

AUGUSTINE GEORGE MASIH, J.

1. Leave granted.
2. The present appeal challenges the judgment and order dated 22.09.2025 passed by the High Court of Telangana at Hyderabad in Criminal Petition No.12339/2025 whereby the High Court dismissed the petition filed by the

appellant, and refused to quash the proceedings arising out of FIR No.90/2020 dated 05.06.2020 pending trial before the VIIth Additional Chief Metropolitan Magistrate at Nampally, Hyderabad as C.C. No.7840/2020.

3. The factual background, in brief, is that on 05.06.2020 at about 05:00 pm, the appellant was driving a black Honda Activa with the rear number plate covered with a black mask. The complainant, being on patrol duty, stopped and apprehended him. FIR bearing No.90/2020 came to be lodged against him under Sections 420 of the IPC and Section 80(a) of the Motor Vehicles Act, 1988 (hereinafter, "MV Act"), alleging that he had deceived the police by attempting to avoid traffic challans. Subsequently, a chargesheet bearing No.48/2020 was filed on 19.08.2020, upon which cognizance was taken by the Magistrate and a case came to be registered bearing C.C. No.7840/2020.
4. On 17.09.2025, the appellant filed a petition under Section 528 of the BNSS bearing

No.12339/2025 before the High Court seeking quashing of the proceedings against him.

5. By way of the impugned judgment and order dated 22.09.2025, this petition came to be dismissed, noting that the *prima facie* case was made out and the appellant could not have masked the number plate under any circumstances.
6. Aggrieved, the appellant is now before us by way of the present appeal.
7. Learned counsel for the appellant submits that the High Court failed to appreciate that the ingredients of the offence under Section 420 of the IPC are not made out. The only allegation against the appellant is that he covered the rear number plate. This does not meet the statutory ingredients of cheating. Moreover, had there been any intention of cheating, the front number plate would also have been covered. Therefore, even if the allegations are taken at face value, they do not constitute any criminal offence. The reasoning offered by the

prosecution, that it would be difficult to trace the offender in case some crime occurs, is merely conjectural.

8. With regard to the offence under Section 80(a) MV Act, it is submitted that although such provision does not exist, Rule 80-A of the Telangana Motor Vehicles Rules relates to improper display of number plate. At most, the general provision under Section 177 of the MV Act may be invoked which only provides for a penalty of Rs.500/- for the first offence, and Rs.1,500/- for the second offence for violation of any provisions of the Act or rules thereunder.
9. Learned counsel for the respondent State, on the other hand, supports the impugned judgment and order, contending that *prima facie* case is made out, and prays for dismissal of the appeal.
10. The settled position of law as laid down by this Court in ***State of Haryana and Others v.***

Bhajan Lal and Others¹ is that the power of quashing of proceedings ought to be exercised when the allegations, even if taken at face value, do not *prima facie* make out any offence. Paragraph 102 reads as hereunder:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation

1 1992 Supp (1) SCC 335

by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

11. Having heard learned counsel for the parties and on perusal of the materials on record, we are of the opinion that such *prima facie* offence as pressed into service is not made out.

12. Section 420 of the IPC reads as hereunder:

“420. Cheating and dishonestly inducing delivery of property.—

Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”

13. From a bare perusal of the above, the essential ingredients to constitute the offence of cheating are:

- (1) Dishonest intention
- (2) Inducement of a person, and
- (3) Delivery of property, or alteration or destruction of valuable property.

14. When applied to the facts at hand, we find that these essential ingredients are not made out. The only allegation against the appellant is

that he was travelling on his Aactiva scooty with a black mask covering his rear number plate. There is no material on record to show that such an act was done with a dishonest intention, or that such an act induced a person and caused any wrongful gain or loss.

15. The mere apprehension of the police that the rear number plate was covered in order to avoid challans, or that in case a crime was committed, it would be difficult to trace out the offender is at best, speculative.
16. We are further of the view that the selective covering of only the rear number plate, leaving the front plate visible and legible, is itself inconsistent with any planned scheme to evade identification or detection, and goes against the existence of a dishonest intention as alleged. The regulatory breach of obstructing the number plate under the MV Act and rules thereunder cannot be dressed as an offence under Section 420 of the IPC without establishing the essential ingredients as

required.

17. Therefore, the allegations, even if taken at face value do not constitute the offence of cheating and continuation of proceedings against the appellant would amount to abuse of process of law.
18. In light of the above, the judgment and order of the High Court calls for interference. The impugned order dated 22.09.2025 is set aside and the proceedings arising out of FIR No.90/2020 and pending before the VIIth Additional Chief Metropolitan Magistrate, Nampally, Hyderabad as C.C. No.7840/2020 stand quashed.
19. We clarify that this quashing shall not affect the appellant's liability to pay the penalty under Section 177 of the MV Act, which the appellant is directed to deposit before the concerned authority within one month, if not already done.
20. The appeal is allowed in the aforesaid terms.

21. Pending applications, if any, stand disposed of.

.....J.
[SANJAY KAROL]

.....J.
[AUGUSTINE GEORGE MASIH]

**NEW DELHI;
JULY 28, 2026.**