



HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR



S.B. Criminal Miscellaneous (Petition) No. 5668/2025

Mr. Unsoo Kim S/o Byungil Kim,

----Petitioner

Versus

The State Of Rajasthan and anr.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 5669/2025

Shah Rukh Khan S/o Late Mr. Meer Taj Mohammed Khan,

----Petitioner

Versus

The State Of Rajasthan and anr.

----Respondents

S.B. Criminal Miscellaneous (Petition) No. 5670/2025

Mr. Tarun Garg S/o Pawan Kumar Garg,

----Petitioner

Versus

The State Of Rajasthan and anr.

----Respondents

S.B. Criminal Miscellaneous (Petition) No. 5671/2025

Deepika Padukone D/o Mr. Prakash Padukone,

----Petitioner

Versus

The State Of Rajasthan and anr.

----Respondents

For Petitioner(s)

: Mr. Kapil Sibal, Senior Advocate, through VC with Ms. Aparjita Jaunwal, Mr. V.R. Bajwa Senior Advocate with Mr. Aditya Sharma, Mr. Madhav Mitra Senior Advocate with Ms. Jaya Mitra, Mr. Sanjay Kumar, Mr. Abhishek Kr. Singh, Mr. Saurabh Kumar, Ms. Vedanshi Jalan, Ms. Savita Nathawat

For Respondent(s)

: Mr. Vivek Choudhary, PP





HON'BLE MR. JUSTICE SUDESH BANSAL
Order

10/09/2025

1. All four petitioners herein by means of filing instant four separate Criminal Misc. Petitions, have invoked inherent jurisdiction of High Court under Section 528 of BNSS (erstwhile 482 Cr.P.C.) to impugn FIR No. 558/2025, registered at Police Station Mathuragate, District Bharatpur, for offences under Sections 406, 420 and 120-B of IPC. The impugned FIR came to be registered on filing a criminal complaint, by and on behalf of respondent No.2, before the Additional Chief Judicial Magistrate No.2 Bharatpur, who sent the criminal complaint under Section 175(3) of BNSS, 2023, for registration of FIR and investigation, to the concerned Police Station.

2. It has been submitted that respondent No.2-complainant purchased a vehicle Alcazar Car (1.5 AT Signature Black) of Hyundai Company on 30.06.2022 from Malwa Auto Sales Pvt. Ltd., which is a dealership Company of Hyundai and after plying the vehicle for near about three years and 67,000 KMs, lodged the complaint on 12.06.2025 levelling an allegation that the vehicle suffers from manufacturing and technical faults and during driving such vehicle, same got stuck several times, which caused immense hardship to the complainant.

3. It has further been submitted that the complainant has averred in the criminal complaint that the complainant made a demand in the Company for replacement of Car or to refund the cost of vehicle, which was not responded by the Company, hence, criminal complaint has been filed.





4. It has been argued that the implication of all four petitioners in the present criminal complaint is absolutely arbitrary and malicious as a bare perusal of the contents of complaint in its entirety, on its face value, there is no iota of allegation of ingredients of alleged offences against petitioners, rather complaint as a whole does not disclose any cognizable offence against petitioners. Petitioner-Mr. Unsoo Kim is Managing Director and petitioner Mr. Tarun Garg is Chief Operating Officer of Hyundai Motor India Ltd. and petitioners- Mr. Shah Rukh Khan and Ms. Deepika Padukone are Brand Ambassadors of the Hyundai Company, who have no connection or nexus with the sale of vehicle in question and do not deal with affairs of Company of consumer complaints for repairing of manufacturing defects or other defects in the sold Car.

5. It has further been argued that Hyundai Motor India Ltd. has not been impleaded as a party in the criminal complaint and petitioners cannot be slightly connected with the impugned FIR, more so when the concept of vicarious liability is alien to IPC (Now BNS, 2023).

6. It has been argued that at the most, if complainant has any grievance in respect of defects, whatsoever may be in his purchased Car, he being a consumer of Hyundai Motor India Ltd. and Malwa Auto Sales, could have availed the remedy under the Consumer Protection Act, 2019, but instead, filed a criminal complaint and implicating the petitioners, who are highly reputed persons and public figure, being Film Stars, is nothing but a sheer misuse of process of law and such a complaint ought not to have been sent by Judicial Magistrate for registration of FIR and





investigation, hence, registration of FIR on the order of concerned Judicial Magistrate itself is wrong.

7. In that view, let notice be issued to respondent No.2-complainant.

8. Registry is directed to summon the concerned record from the Court of Judicial Magistrate, Bharatpur, including the order through which the complaint was sent for registration of FIR and investigation, passed by the concerned Judicial Magistrate.

9. In the meanwhile, further investigation in the impugned FIR No. 558/2025, registered at Police Station Mathuragate, District Bharatpur, qua petitioners shall remain stayed.

10. However, in the opinion of this Court and with an intent to prevent further litigation, the grievance of complainant, whatsoever may be, can be resolved through Mediation and for that purpose, any Authorized Officer, for and on behalf of Hyundai Motor India Ltd., so also Malwa Auto Sales Pvt. Ltd. may mediate with the complainant, in order to resolve the dispute finally.

11. List these matters on 25.09.2025 in the supplementary cause list.

12. Learned Public Prosecutor is directed to inform the Investigating Officer to ensure service of notice upon the complainant and to inform him about filing of these petitions and date of next hearing.

(SUDESH BANSAL),J

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