



CNR: KAHC010224482020

NC: 2026:KHC:52223
CRL.P No. 4528 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.4528 OF 2020

BETWEEN:

1. CHETHAN GOWDA
S/O LATE HANUMANTHA GOWDA
AGED ABOUT 24 YEARS
RESIDENT OF NEAR PETROL BUNK
P B ROAD
DODDABATHI VILLAGE
DAVANGERE TALUK
DAVANGERE DISTRICT-577001
2. P ARPITHA NAVALE
D/O N R PANDURANGA RAO
W/O CHETHAN GOWDA
AGED ABOUT 23 YEARS
R/AT J C ROAD, CHENNAGIRI POST
CHENNAGIRI VILLAGE
CHENNAGIRI TALUK
DAVANGERE DISTRICT-577213

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI KANTHARAJ H SR. COUNSEL FOR
SRI RAVI H K, ADVOCATE)

AND:

1. STATE BY KARKALA RURAL
POLICE STATION
UDUPI TALUK & DISTRICT
RER. BY STATE PUBLIC PROSECUTOR



CNR: KAHC010224482020

NC: 2026:KHC:52223
CRL.P No. 4528 of 2020

OFFICE OF THE ADVOCATE GENERAL
KARNATAKA HIGH COURT BUILDING
BENGALURU-560 001

2. SUDHEER SHETTY
S/O SHEENA SHETTY
MAJOR
R/AT SARAPANI HOUSE
BANJARAKATTE POST
BOLA GRAMA
KARKALA TALUK-574104

...RESPONDENTS

(BY SRI MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
R2 – SERVED- UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH THE ENTIRE PROCEEDINGS OF C.C.NO.422/2020
BEFORE THE COURT OF THE II ADDITIONAL CIVIL JUDGE AND
JMFC, KARKALA AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel appearing for the petitioners
and also the learned counsel appearing for the State.

2. The present petition is filed praying this Court to
quash the entire proceedings initiated against the petitioners



in C.C. No.422/2020 for the offence punishable under Section 489A, 489B, 489C and 489D read with Section 34 of IPC.

3. The factual matrix of the case of complainant while lodging the complaint that these two petitioners came to the shop of the complainant and having purchased the Vicco turmeric cream, tendered a note of Rs.200/- and having tendered the same, collected the balance change amount and left the place. Thereafter, the complainant went to the SBCC bank and got it confirmed that whether the said note is fake or genuine. When the bank people confirmed that it is the fake note, complaint is lodged. Based on the complaint, FIR was registered in Cr.No.80/2019 only for the offence under Section 489B read with Section 34 of IPC. The police having registered the case, investigated the matter and filed the charge sheet for the offences under Section 489A, 489B, 489C, and 489D read with Section 34 of IPC. Hence, the present petition is filed before this Court.



4. The counsel appearing for the petitioners would vehemently contend that these two petitioners are the students. They were not having any knowledge that the said note is the fake note. Counsel would contend that the charge sheet filed in the instant case is not based on satisfactory material. The material available on record is not sufficient to constitute the offences under Section 489A, 489B, 489C and 489D read with Section 34 of IPC. The counsel would vehemently contend that very complaint itself is not constitute the alleged offence. Counsel would contend that mere possession of the said counterfeit note is not an offence. The petitioners are husband and wife having married recently and have no criminal antecedents. In the absence of prima facie material in the instant case, if the proceedings are allowed to be continued, it will cause to an injustice and leads to a abuse of process and also leads to a miscarriage of justice. Hence, it requires to be quash the proceedings.



5. The counsel in support of his arguments, relies upon the judgment reported in **AIR 2001 SC 3084** in the case of **UMASHANKER vs STATE OF CHHATTISGARH** wherein Apex Court also discussed the very ingredients of Section 489B, 489C and also discussion made in paragraph 8 with regard to the definition of "knowing or having reason to believe the currency-notes or bank-notes are forged or counterfeit". Without the aforementioned mens rea selling, buying or receiving from another person or otherwise trafficking in or using as genuine forged or counterfeit currency-notes or bank-notes is not enough to constitute offence under Section 489B of IPC. The counsel referring this judgment would contend that ingredients of Sections 489A, 489B, 489C and 489D are not found in the complaint and hence, there cannot be any proceedings against the petitioners.

6. The counsel also relies upon the judgment reported in **AIR 1979 SC 1705** in the case of **M MAMMUTTI vs STATE OF KARNATAKA** wherein it is held



that mere possession of counterfeit currency notes and unless proof is made out and currency notes of such nature that mere look at them would not convince anybody that they were counterfeit and also presumption cannot be drawn.

7. The counsel appearing for the State would submit that though at the first instance complaint is filed invoking Section 489B for having used the counterfeit note and circulated, but subsequently, during the investigation found that they are indulged in an act of printing the process. Hence, during the course of investigation, seized the several articles at the instance of accused persons viz., HP Ink Tank Wireless 410 colour printer and other fake notes and sent the said fake notes to the lab and got it confirmed that the same are fake notes. When the articles are seized including JK EXCEL Bond Super White Bond paper and also TVS Electronics Ltd. service call report and several articles at the instance of the accused and the same is witnessed by the witnesses, it is a matter of trial. The material is also collected



by the IO. Hence, quashing of the proceedings does not require.

8. Having heard the counsel appearing for the petitioners and also the counsel appearing for the State, the Court has to look into the contents of the complaint. Having perused the complaint, it is the case of prosecution that these petitioners went to the shop of complainant and tendered the fake note and made use of the same for circulation and he believed the same. After confirming that the said note is a counterfeit note from the bank, he lodged the complaint. The law was set in motion by lodging the complaint. The police have investigated the matter and even other notes were also seized at the instance of the accused and also the articles and other objects and the seizure is also witnessed by the witnesses. Even notes which were seized also sent to the lab and got it confirmed that the said notes are counterfeit note. When such report is also before the Court and seizure is also at the instance of the accused, the same is a matter of trial. Whether it constitute the offence of



NC: 2026:KHC:52223
CRL.P No. 4528 of 2020

CNR: KAHC010224482020

489A, 489B, 489C and 489D or not, Trial Court while considering the matter and framing of the charge can consider the said fact. When the matter requires trial, the question of considering the material on record in the 482 proceedings does not arise. Hence, the petitioners have not made out any grounds to quash the proceedings initiated against them.

9. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

In view of dismissal of the main petition, I.A.
if any, does not survive for consideration and the
same stands disposed of.

Sd/-
(H.P.SANDESH)
JUDGE

SN