

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.133 OF 2026

Dhananjay Upadhyay

...Petitioner

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Dipen Furia a/w. Mr. Shubham Mishra i/b. Asha Kanzariya,
Advocate for the Petitioner.

Mr. Prasanna Malshe, APP for the State.

PSI Dipak R. Thorat, Oshiwara Police Station, Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th JANUARY, 2026.

P.C. :

1. Heard the Mr. Dipen Furia, learned Advocate for the
Petitioner and Mr. Prasanna Malshe, learned APP for the
Respondent-State.

2. This Petition under Article 226 of the Constitution of India
and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023
is preferred for quashing the First Information Report No. 476 of
2011 dated 20th November, 2011 (for short "FIR") registered with
Oshiwara Police Station, Mumbai against Petitioner for the
offences under Sections 489(B) and 489(C) and 420 of Indian

Penal Code and the the charge-sheet arising out of the said FIR registered as Sessions Case No. 108 of 2016 arising out of the said FIR.

3. Case of the prosecution is that the Petitioner was found possessing 4 Nos. currency notes of denomination Rs. 100/- as such was taken in custody and the FIR registered.

4. Prosecution documents viz. Panchanama dated 20.11.2011 refers to 4 currency notes of denomination Rs. 100 being recovered from the Petitioner as also the Letter bearing CNP Dy.No. 00077/13 dated 7th March, 2013 issued by Assistant Works Manager, Currency Note Press, Nashik Road, Nashik refer to 4 Nos. currency notes of denomination of Rs. 100/-.

5. Mr. Dipen Furia, learned Advocate for the Petitioner submits that as per the allegations in the FIR, Petitioner was found in possession of 4 currency notes which are alleged to be counterfeit currency notes. He submits that as per the Circular issued by the Reserve Bank of India bearing No. RBI 2011-12/129 dated

25/07/2011, prosecution can be lodged if detection of counterfeit notes is of 5 or more pieces. He therefore submits that the prosecution against the Petitioner was not tenable and the FIR is required to be quashed.

6. Mr. Malshe, learned APP for the State, on instructions from the Investigation Officer, submits that RBI Circular dated 25/07/2011 is in force and would be applicable to the case in hand. He by referring to the Panchanama states that the detection of counterfeit notes from the Petitioner is in a single transaction and the counterfeit notes are 4 in number. He fairly submits that Clause 2(ii) of the said Circular is applicable to the case of the Petitioner.

7. RBI circular relied by the Petitioner as well as the Respondent is transcribed herein below :

“RESERVE BANK OF INDIA

RBI/2011-12/129

DCM(FNVD) No. 502/16.01 05/2011-12

July 25, 2011

*The Chairman/Managing Director,
Commercial Banks, Cooperative Banks, RRBs/
Private Banks, Foreign Banks and
Director of Treasures of all States*

Dear Sir/Madam,

Detection of Counterfeit Banknotes-Revised Procedure

Please refer to the Master Circular DCM (FNVD) No G-5/16.01.05/2011-12 dated July 1, 2011 on the above subject. In terms of Para 4 of the circular, among other things, FIRs are required to be filed in respect of all cases of counterfeit banknotes.

2. The matter has been reviewed in consultation with the Government of India, and in order to ensure that all cases of detection of counterfeit notes at the bank branches/treasuries are promptly reported to the police authorities, it has been decided to revise the procedure to be followed on detection of counterfeit banknotes at bank branches, treasuries and sub treasuries. Accordingly, the following procedure should be adopted with immediate effect:

i) For cases of detection of counterfeit notes upto 4 pieces, in a single transaction, a consolidated report as per the format prescribed in the annex should be sent to the police authorities at the end of the month.

*ii) For cases of detection of counterfeit notes of 5 or more pieces, in a single transaction, FIRs should be lodged with the Nodal Police Station/Police Authorities as per jurisdiction, in terms of our Master Circular *ibid**

3. Other instructions in the above Master Circular will remain unchanged.

4. Problems, if any, in implementation, may be resolved in consultation with the Regional Director, Reserve Bank of India, of the State concerned.

5. Progress in the area of reporting should be discussed in the meetings of State Level Bankers' Committee, Standing Committee on Currency Management and State Level Security Committee held in various States.

6. Banks may please bring the contents of the circular to the notice of their branches and ensure that the above instructions are being followed both in letter and spirit.

7. Please acknowledge receipt.

Yours faithfully,

(Dr. N Krishna Mohan)

Chief General Manager

Encl: One”

8. The offence charged against the Petitioner, as per the FIR was detected on 20th November, 2011. RBI Circular is dated 25/07/2011 .

9. In view of the concession made by Mr. Malshe, learned APP for the State by relying on the RBI circular dated 25.07.2011, this Petition is allowed in terms of prayer clause (c). Crime No. 476 of 2011 registered with Oshiwara Police Station and the charge-sheet, which is now registered as Sessions Case No. 108 of 2016 pending before the Additional Sessions Judge of Greater Mumbai and Dindoshi, Borivali Division are quashed. Criminal proceedings arising out of the impugned FIR are closed.

10. Writ Petition No. 133 of 2026 allowed in the aforesaid terms.

(ASHWIN D. BHOBE, J.)