HC-KAR

NC: 2026:KHC:62577
CRL.P No. 8546 of 2025

CNR: KAHC010397642025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 8546 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

MR R GOVARDHAN SINGH
S/O LATE N.RAJENDRA SINGH
AGED ABOUT 32 YEARS,
R/AT NO.22, 1ST MAIN CROSS,
3RD CROSS, NAGADEVANAHALLI,
BENGALURU-560042.

...PETITIONER

(BY SRI. K.H. RAMESHA.,ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY BHARATHI NAGAR POLICE STATION.
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU-01

...RESPONDENT

(BY SMT. RASHMI PATEL., HCGP)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDING AGAINST THE PETITIONER/ACCUSED NO.1 IN CR.NO.120/2023 OF BHARATHI NAGAR P.S. IN CC.NO.69696/2024, PENDING ON THE FILE OF X ACJM, AT BENGALURU, FOR THE OFFENCES P/U/S 417,420,465,468,471 OF THE IPC.

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

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17/11/2026, 17:00, Bengaluru
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CNR: KAHC010397642025

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

> *"Quash the proceeding against the petitioner/accused no.1 in Cr.No.120/2023 of Bharathi Nagar P.S. in CC.No.69696/2024, pending on the file of X ACJM, at Bengaluru, for the offences p/u/s 417,420,465,468,471 of the IPC."*

2. Respondent No.2 lodged a complaint on 15.02.2023, on the basis of which Bharathi Nagar Police Station registered an FIR in Crime No.120/2023 for the offences punishable under Sections 417, 420, 465, 468 and 471 of the IPC. The investigation was completed and a charge-sheet was filed for the aforesaid offences.

3. The grievance of the complainant, who is stated to be the Director of Police, Fire Services, is that the petitioner's father, Sri Rajendra Singh, was employed in the Fire Services Department and, after his demise, the petitioner applied for appointment on compassionate grounds. In support of his application, the petitioner produced certain educational documents, on the basis of which he was appointed. When those documents were subsequently sent for

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verification, they were found to be bogus. It is in these circumstances that a complaint came to be lodged and criminal proceedings were initiated against the petitioner.

4. Sri K.H. Ramesh, learned counsel appearing for the petitioner, submits as follows:

4.1. The petitioner had no knowledge that the marks card and certificate produced by him were bogus. He had applied to the State Board of School Examination (SEC) and the Board of Higher Secondary Examination, Tamil Nadu, which had conducted the examination at Bengaluru. Upon completing the requisite formalities and paying the prescribed fees, he received the marks card and certificate from the said Board. Believing the documents to be genuine, he submitted them along with his application for compassionate appointment.

4.2. Learned counsel submits that the petitioner neither forged any document nor created any false document. He had approached the purported Board, appeared for the examination conducted by it and obtained the certificate issued in his name. If the certificate was false

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or the Board itself was not recognised or did not have the authority to issue such certificates, the persons responsible for operating the said entity and issuing the documents ought to be proceeded against. The petitioner, who obtained the certificate in the ordinary course and believed it to be genuine, cannot be prosecuted in the absence of material establishing his knowledge of the alleged fraud or his participation in it.

5. Smt. Rashmi Patel, learned High Court Government Pleader, submits that the petitioner produced and used the certificate for securing employment. The purported Board is based in Tamil Nadu, whereas the petitioner is residing in Karnataka. Having used the allegedly bogus certificate to secure an appointment, the petitioner has committed the offences alleged against him. Since the investigation has been completed and a charge-sheet has been filed, the matter ought to proceed to trial.

6. When the matter was taken up on 02.07.2026, this Court called upon the learned High Court Government Pleader to ascertain whether any proceedings had been initiated against the entity

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which had allegedly issued the bogus marks card and certificate.

7. On instructions, the learned High Court Government Pleader submits that no proceedings have been initiated against the said Board in the present matter.

8. Heard Sri K.H. Ramesh, learned counsel for the petitioner, and Smt. Rashmi Patel, learned High Court Government Pleader for respondent No.1. Perused the records.

9. It is not in dispute that the petitioner produced the marks card and certificate along with his application for appointment on compassionate grounds. The principal defence of the petitioner is that he obtained those documents from the purported Board in the ordinary course, after applying for and appearing in the examination, and submitted them in the bona fide belief that they were genuine. He denies having fabricated the documents or having knowledge that the issuing entity was not authorised to issue them.

10. Learned counsel for the petitioner further submits that the petitioner himself has been deceived by the purported Board. Having paid the requisite fees and

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obtained the certificate believing it to be genuine, the petitioner has not only lost his employment but is also facing criminal prosecution. He contends that, in the absence of material showing that the petitioner knew that the certificate was bogus or had participated in any fraud, continuation of the criminal proceedings would be unjustified.

11. The documents produced by the petitioner are stated to have been issued by an entity described as the "State Board of School Examination (SEC)" and the "Board of Higher Secondary Examination, Tamil Nadu". The documents also refer to the names "Tamil Nadu Board of Secondary Education, Chennai" and "Tamil Nadu Board of Higher Secondary Education, Chennai". They purport to bear the signature of the Principal, Chennai Senior School, Chennai, Tamil Nadu, as well as that of the Secretary of the State Board of School Examination and Board of Higher Secondary Examination, Tamil Nadu. A website URL is also indicated on the documents. Thus, the documents, on their face, purport to have been issued by an established educational authority and contain particulars suggesting that they were issued through an institutional process.

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12. The petitioner's case is that he approached the said entity on the basis of the representations made by it, paid the requisite fees, appeared for the examination conducted at Basaveshwara Nagar, Bengaluru, and thereafter received the marks card and certificate. He claims to have relied upon the representations and the appearance of the documents as genuine and submitted them to the Department without any knowledge that the issuing entity was allegedly bogus.

13. The allegations, therefore, require consideration not merely from the fact that the certificate was found to be bogus, but also from the circumstances in which the petitioner obtained and used it. The fact that a document is subsequently found to be false does not, by itself, establish that the person who produced it had fabricated it or knowingly used it as genuine. The relevant question is whether there is material to show that the petitioner had made or caused the document to be made, participated in its fabrication, or knew, or had reason to believe, that the document was forged when he produced it.

14. The offences alleged against the petitioner involve distinct ingredients. The offences punishable under

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Sections 465 and 468 of the IPC require the commission of forgery, with Section 468 additionally requiring that the forgery be intended for the purpose of cheating. The offence under Section 471 requires the use of a forged document as genuine, with knowledge or reason to believe that it is forged. Similarly, the offences under Sections 417 and 420 require deception and dishonest or fraudulent inducement; Section 420 additionally requires the dishonest inducement contemplated by that provision. Therefore, the mere fact that the petitioner derived a benefit by producing the certificate cannot, without material establishing the requisite knowledge and dishonest intention, be sufficient to attract all the offences alleged.

15. In the present case, the material placed before this Court indicates that the petitioner approached the purported Board, obtained the marks card and certificate in his name and thereafter submitted them to the Department. The documents themselves contain the name of the purported issuing authority, references to educational boards in Tamil Nadu, signatures of persons stated to be officials of the institution and a website URL. The petitioner also claims to have appeared for the examination

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conducted at Bengaluru after paying the requisite fees. These circumstances are consistent with his defence that he believed the documents to be genuine.

16. The learned High Court Government Pleader has also confirmed that no proceedings have been initiated against the entity which allegedly issued the bogus documents. The absence of proceedings against the issuing entity does not, by itself, absolve the petitioner of criminal liability. However, when the prosecution alleges that the documents originated from a bogus educational Board, it is necessary to examine the role of the persons responsible for establishing and operating that entity and issuing the certificates. The material placed before this Court does not disclose any investigation establishing that the petitioner created or fabricated the documents, was associated with the persons operating the alleged bogus Board, or knew that the certificates issued by it were not genuine.

17. The prosecution appears to proceed principally on the basis that the petitioner produced the certificate and obtained employment on that basis. That circumstance may establish that the document was

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used and that the petitioner obtained a benefit from its use. It does not, by itself, establish the dishonest intention or knowledge required to sustain the offences alleged. In the absence of material connecting the petitioner with the creation of the documents or showing that he knew, or had reason to believe, that they were forged, the essential ingredients of the offences punishable under Sections 417, 420, 465, 468 and 471 of the IPC are not made out.

18. The circumstances, therefore, indicate that the petitioner may himself have been deceived by the entity which issued the marks card and certificate. He appears to have obtained the documents believing them to be genuine and submitted them to the Department on that basis. The fact that the documents were subsequently found to be bogus cannot, in the absence of material establishing his knowledge or participation in the fraud, be used to attribute criminal liability to him. The persons responsible for operating the alleged bogus Board and issuing such certificates would require examination, rather than fastening criminal liability on the petitioner merely because he produced a document issued by that entity.

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19. In these circumstances, this Court is of the considered opinion that continuation of the criminal proceedings against the petitioner, in the absence of material disclosing the requisite knowledge, dishonest intention or participation in the alleged forgery, would not serve the interests of justice. The petitioner cannot be prosecuted merely on the ground that he relied upon and produced a certificate which was subsequently found to be bogus, when the material placed before this Court does not establish that he was aware of the alleged fraud or was a participant in it.

20. In that view of the matter, this Court passes the following;

ORDER

i. Criminal petition is ***allowed***

ii. The proceeding in Cr.No.120/2023 of Bharathi Nagar P.S. in CC.No.69696/2024, pending on the file of X ACJM, at Bengaluru against the petitioner/accused No.1 is quashed.

iii. The respondent is directed to register appropriate proceedings against State Board of School

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Examination (SEC) and Board of Higher Secondary Examination, Tamil Nadu and investigate the matter and take appropriate action against the said entity who has defrauded the petitioner.

iv. The petitioner shall cooperate with such investigation in all manner permissible.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 31