



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2025



BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CRIMINAL PETITION NO. 8135 OF 2025 (482(Cr.PC) / 528(BNSS))

BETWEEN:

NINGAPPA G @ NINGAPPA SAVANT
S/O GUDIYAPPA
AGE 45 YEARS, OCC. NIL,
ADD. VTC., TALIKATTI
HOLALAKERE
CHITRADURGA DISTRICT - 577 539.

...PETITIONER

(BY SRI. VENKATESH P.DALAWAI, ADVOCATE)

AND:

STATE OF KARNATAKA
BY LOKAYUKTA POLICE STATION
BANGALORE CITY
M S BUILDING - 01
REP BY SPECIAL PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 01

...RESPONDENT

(BY SRI. ASHOK HARANAHALLI, SENIOR ADVOCATE FOR
SRI. VENKATESH S ARBATTI, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS)
PRAYING TO QUASH THE FIR IN CR.NO.28/2025 REGISTERED BY THE
LOKAYUKTHA P.S BANGALORE CITY PENDING ON THE FILE OF 23RD
ADDL. CITY CIVIL AND SESSIONS AND SPECIAL COURT AT BANGALORE
FOR THE O/P/U/S 7A AND 7 (a) OF PREVENTION OF CORRUPTION ACT
1988 AT DOCUMENT NO.1.





THIS PETITION IS BEING HEARD AND RESERVED ON 08.07.2025
COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE
COURT MADE THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

CAV ORDER

In this petition, petitioner–sole accused seeks quashing of the impugned FIR registered in Crime No.28/2025 by the Respondent-Lokayukta against the petitioner for the alleged offences punishable under Section 7(a) & 7A of the Prevention of Corruption Act, 1988 (for short, 'the PC Act') and for other reliefs.

2. Briefly stated, the facts leading to the petition are as under:

On 30.05.2025, the Superintendent of Police (Co-ordination and Training), Lokayukta lodged a complaint with the Additional Director General of Police (ADGP), Lokayukta, requesting investigation and taking of suitable action against the petitioner for the alleged offences punishable under Section 7(a) & 7A of the P.C Act. The ADGP, Lokayukta referred the said complaint to the Superintendent of Police, Lokayukta, who directed the Police Inspector, Lokayukta, to conduct an enquiry and submit a report.



Accordingly, the said Police Inspector submitted a report to the S.P, Lokayukta, who directed the Dy.S.P, Lokayukta, to receive the complaint/report and register an FIR, pursuant to which, the Dy.S.P registered the impugned FIR in Crime No. 28/2025 against petitioner – sole accused for alleged offences punishable under Section 7(a) & 7A of the P.C Act. Aggrieved by the impugned FIR, petitioner-accused is before this Court by way of the present petition.

3. Heard learned counsel for the petitioner and learned Senior counsel for the respondent-Lokayuktha and perused the material on record.

4. In addition to reiterating the various contentions urged in the petition and referring to the material on record, Learned counsel for the petitioner invited my attention to the impugned complaint dated 30.05.2025 in order to contend that the petitioner who was undisputedly not public servant within the meaning of Section 2(c) of the P.C Act cannot be incriminated for alleged offences punishable under Section 7(a) of the P.C.Act, which applies to only public servants and not to the petitioner. It was submitted that neither the complaint dated 30.05.2025 nor the



report dated 02.06.2025 discloses or makes out commission of the alleged offences under Section 7A of the P.C.Act by the petitioner. It was further submitted that the mandatory preliminary enquiry was not conducted by the respondent prior to registration of the impugned FIR, which is vitiated and deserves to be quashed.

4.1 Learned counsel further submitted that even the report dated 02.06.2025 was not merely a preliminary inquiry report but a detailed investigation report prior to registration of the FIR which is impermissible in law. It was therefore submitted that the impugned FIR is contrary to facts and law and the provisions contained in Section 7(a) and 7A of the P.C Act and the same deserves to be quashed. In support of his submissions learned counsel would place reliance upon the following judgments:—

- (i) H.N. Rishbud v. State by Delhi Admn – (1954)2 SCC 934;**
- (ii) Lalitha Kumari v. State of UP - (2014) 2 SCC 1;**
- (iii) Kulandaisamy v. State – Crl.A No.1224/2025 dated 07.03.2025;**
- (iv) Ashwini v. Karnataka Lokayukta - Crl.P No.8884/2024 dated 02.06.2025;**
- (v) Shivraj v. State – Crl.P.No.7568/2024 dated 02.06.2025;**
- (vi) Usha v. State by Lokayukta – W.P No.26705/2024 dated 02.06.2025;**



(vii) *State v. Jitender Kumar Singh - (2014)11 SCC 724.*

5. Per Contra, learned Senior counsel for the respondent-Lokayuktha would reiterate the various contentions urged in the statement of objections and submits that the complaint clearly makes out and discloses *prima facie* commission of the offence punishable under Section 7A of the P.C.Act by the petitioner. It was submitted that in pursuance of the complaint dated 30.05.2025, an enquiry report was obtained from the Police Inspector dated 02.06.2025 which confirmed/affirmed the allegations made in the complaint. It was further submitted that the said report dated 02.06.2025 was a mere preliminary inquiry report and not a detailed investigation report as contended by the petitioner and the same read together with the complaint dated 30.05.2025 would clearly disclose commission of the offence under Section 7A of the P.C.Act by the petitioner.

5.1 Learned Senior counsel invited my attention to the impugned FIR in order to point out that along with the petitioner, other unknown/unidentified accused persons have also been shown as 'others' in the FIR and all such guilty persons would also be included/arraigned as additional accused persons after



investigation by the Investigating Officer who would be entitled to invoke additional provisions also, i.e., Sections 7, 8, 12 etc., of the P.C Act at the time of filing the charge sheet and the said accused persons may include public servants viz., BBMP officials, State Excise Department officials, Lokayukta officials, staff etc., and as such, the question of interfering with the investigation at its very nascent / initial stage and thereby quashing the impugned FIR would not arise in the facts and circumstances of the instant case. It was therefore submitted that there is no merit in the petition and the same is liable to be dismissed. In support of his submissions, learned Senior counsel placed reliance upon the following judgments:

(i) Neeharika Infrastructure (P) Ltd. v. State of Maharashtra - (2021)19 SCC 401;

(ii) CBI v. Tapan Kumar Singh - (2003) 6 SCC 175;

(iii) Subramanian Swamy v. Manmohan Singh - (2012) 3 SCC 64;

(iv) State of M.P. v. Ram Singh - (2000) 5 SCC 88.

6. I have given my anxious consideration to the rival contentions and perused the material on record.



7. Before advertng to the rival contentions, it would be profitable to extract Section 7A of the P.C. Act which has been invoked against the petitioner, who is a non-public servant; the said provision reads as under:

7A. Taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence.--Whoever accepts or obtains or attempts to obtain from another person for himself or for any other person any undue advantage as a motive or reward to induce a public servant, by corrupt or illegal means or by exercise of his personal influence to perform or to cause performance of a public duty improperly or dishonestly or to forbear or to cause to forbear such public duty by such public servant or by another public servant, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

8. The aforesaid provision, Section 7A was inserted vide Prevention of Corruption (Amendment) Act, 2018(Act No.16 of 2018) w.e.f 26.07.2018; under the said Amendment Act, in addition to inserting Section 7A which is a new provision governing non-public servants, various other provisions viz., Sections 2, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 17-A and a new Chapter IV-A were also substituted/inserted under the Amendment Act.



9. Section 7A of the PC Act deals with a private person taking undue advantage to influence a public servant when such private person acts as a proxy or intermediary for obtaining an undue advantage from a public servant; this provision focuses on the taking of undue advantage by a private/non-public servant to influence a public servant by corrupt or illegal means; it seeks to indict a private person/non-public servant who uses undue influence or means for personal gain to induce a public servant to perform a public duty improperly or dishonestly or to forbear from performing one and it involves corrupt or illegal acts performed by an intermediary to influence a public servant; it is significant to note that the offence punishable under Section 7A is different/distinct from the direct bribe-taking by a public servant under Section 7 and Section 7A deals with situation where a third party attempts to influence a public servant using undue advantage; while a demand is often a factor for offences under Section 7, Section 7A also includes scenarios where a non-public servant accepts or obtains an undue advantage for improper influence and the expression “whoever” includes the person taking undue advantage to influence



a public servant, potentially extending to private individuals acting as proxies for public servants.

10. As stated supra, the impugned FIR registered under Section 7(a) and Section 7A of the PC Act arises out of a Complaint dated 30.05.2025 and Report dated 02.06.2025, both of which (translated copies) are extracted as hereunder:-

Complaint

30.05.2025

To,

*Additional Director General of Police,
Karnataka Lokayukta.
Bangalore.*

Respected Sir,

Sub: Regarding the information received from the informant that the Lokayukta is acting as an intermediary for the police officers and making phone calls to government officials on their behalf to extort money in order to avoid action against them.

.....

Regarding the above matter, I am working in the Lokayukta office since about one and a half years. Several government officials/officers have informed that they are receiving telephone calls from the Lokayukta officers of the rank of Police Inspector, Deputy Superintendent of Police, ADGP, IGP stating that, complaints/information have been received against them. Hence, it is decided to take action by conducting a raid on them. The Information is received the to



avoid such a raid or action several calls have been made demanding illegal gratification and also extorting money from several officers of various departments.

It has also been noticed that several government officials/officers on receiving such calls purporting to be from the phony officers of Lokayukta have paid thousands/lakhs of rupees by cash or through phonepay.

It has come to the knowledge that, some of such officers personally through their acquaintances enquired in the office of Lokayukta and came to know about the genuine Lokayukta officers have not threatened any such officers/officials. Some of the officers/officials have filed complaint regarding loss of money to the concerned police stations. The complaints are registered and investigations are under progress. It has come to the knowledge that even then some persons are in the habit of extorting money by threatening government officers.

After some officials inquired about this at the Lokayukta office on their own or through their acquaintances, information was obtained that the real officials were not the ones who threatened them and some officials have filed complaints with the concerned police stations regarding the loss of money. It is known that a complaint has been registered and the investigation is in progress, however, it is known that some individuals are involved in intimidating government officials and extorting money.



Further, it is noticed that, these persons are purchasing new sim cards and they are uploading the pictures of the Lokayukta, Upa- Lokayukta and Senior officers and Junior officers of Lokayukta to the DP of WhatsApp and true caller to mislead the government officers/officials to make them believe that the Lokayukta officials are talking to them and committing extortion.

Thereafter, through the informants contacted the extorted government officers/officials and collected information that, a person by name Sri. Ningappa having Mobile No. 9743352339 had called the Senior Officers of Excise Department's Bangalore city and also some officers of BBMP through WhatsApp and also sent WhatsApp messages informing that, complaint are filed against them in the office of Lokayukta and there is a possibility of conduction raid. It has come to the knowledge that the said person has also threatened the officers/officials met them and extorted money form them.

The said person is a frequent visitor to the Bangalore Lokayukta office. It is known from the informants that he is in contact with some officials. This person contacted the Bangalore Lokayukta officials. Informants have learned that information about officials from other departments is being collected and money is being collected from them.

It is reliable learnt from informants that on Monday the above said person may meet some officers to collect information regarding officers of other department for extorting money. Hence, this report is submitted requesting



*appointment of an officer of an Lokayukta for investigation
and to take suitable legal action.*

With regards

*Yours faithfully,
Sd/-
S. Badrinath
Superintendent of Police
(Co-ordination and Training)
Karnataka Lokayukta, Bengaluru*

*Received complaint at 03:00 pm on 02.06.2025 as
per the instructions of Superintendent of Police, Karnataka
Lokayukta, Bengaluru City-2. and registered to Bengaluru
City Lokayukta Police Station Crime No.28/20205 for the
offences punishable Under Section, 7A, 7(a), P.C. Act-1988
(Amendment Act-2018)*

*Sd/-
02.06.2025
Deputy Superintendent of Police
Karnataka Lokayukta, Bengaluru City.*

Report

Date: 02.06.2025

*To,
Honorable Superintendent of Police.
Bangalore City-2.
Karnataka Lokayukta.
Bangalore.*

*Subject: Regarding the investigation of the complaint
and submission of a report.*



The Honorable Superintendent of Police on 30.05.2025 has directed me to investigate the complaint filed by the complainant Shri.S.Badrinath, Superintendent of Police (Co-ordination and Training), Karnataka Lokayukta, Bangalore and submit a report. In furtherance of the same, I have investigated the complaint filed by the Honourable Superintendent of Police, and the summary of the said complaint is as follows: Several government officials have informed that the officers of the Lokayukta namely Police Inspectors, Deputy Superintendents of Police, Superintendents of Police, ADGP, IGP, stating that several applications information and complaints are received against them. It is also informed that, it is decided to take action or conduct raid against such officers. It is further informed that, they had demanded money/illegal gratification to avoid such action or raid by making frequent calls by phone and also extorted money.

It has also been noticed in the complaint that several government officials, fearing such calls, are handing over thousands/lakhs of rupees in cash/phone pay to the callers in the guise of fake Lokayukta officials.

After some officers inquired about this on their own or through their acquaintances in the Lokayukta office, information was obtained that the real officers have not threatened. In that some officers had filed a complaint with the concerned police stations regarding the loss of money. It is known that a complaints have been registered and the investigation is in progress. However, it is known that some



individuals are involved in the racket of threatening government officials and extorting money.

Further, it is noticed that, these persons are purchasing new sim card and they are uploading the pictures of Lokayukta, Upa-Lokayukta and Senior officers in Lokayukta to the DP of WhatsApp and true caller and intimidating them in a way that makes them believe that the Lokayukta officials are talking and they extort money from Government officers.

The information was collected with regard to such extortion from government officials was collected through the informants. By such information it is found that one Sri Ningappa Mobile No.9743352339 was making calls and sending messages to senior officials of the Excise , Department Bangalore City Divisions and some officials of BBMP through WhatsApp saying that, there are complaints against you in Lokayukta office and there is a possibility of conducting raid on them. Above said person had also demanded to meet him and pay money to avoid such raid. It is known that he is illegally extorting money by threatening such officials.

It is learnt from the informants that, the above said person is frequently visiting the Bangalore Lokayukta office and meeting some officers of Lokayukta to collect information regarding govt. officers of other departments for extorting money after contacting them.



The complainant has stated in his complaint that, information is received that the said person is likely to visit Lokayukta office on Monday to collect information about govt. servants and extort money.

As stated in the said complaint, about a week ago, while I was collecting information from the informant about the persons committing such crimes, a case was registered at the New Layout (Hosa Badaavane) Police Station of Tumkur City under Section 204, 308(2), 62 BNSS-2023. The accused in the said case has put the photo of the Superintendent of Police of Bangalore City Lokayukta Police Station, Bangalore City-2, one Dr. Vamshi Krishna as his DP on his mobile number 8317540753 and has called the Regional Transport Officer, Mr. A.V. Prasad, on his mobile number: 9449864006 on WhatsApp and demanded money. Similarly, it has been found that he has called some officers in Bangalore and demanded money.

As per the complaint averments while the information was being collected from the informants, the one Ningappa Savant mention in the complaint had called senior Excise Officers and demanded money. In that regard met the excise officers in their office and enquired. The said officials revealed that, they received WhatsApp call from Mob No.9743352339 and the caller had demanded them to meet him. The some Screen shorts of Mob. Nos. were sent by WhatsApp where in a number was saved as Patil Sir. Lokayukta but the same was deleted(hidden) with a red color. Further whatsapp message was sent threatening that,



Tomorrow 7 District Lokayukta Raid Be Alert Don't Neglect, and demanded money. Similarly, it is learnt that the Executive engineer from BBMP has also received such a phone call. Hence, he was contacted on phone who revealed that he has call form Mob. No. 9743352339 and the caller stated that he is a Lokayukta officer by name Ningappa, and there is complaint against him and asked to meet him. But the said officer had not agreed to meet him. He further revealed that, two other engineers of said department had also similar phone call and they have also not met the said person.

It is found that, the said person visits the Bengaluru Lokayukta office a couple of times a week and meet some senior Lokayukta officers. Similarly, the officers mentioned above have also stated that they are acquainted with the senior officers of your Lokayukta office. It is apparent that the said person is committing such acts.

Therefore, since the allegations in the said complaint appear to be an offence under Section, 7A, 7(a), P.C. Act-1988 (Amendment Act-2018), I have submitted a report to take action against the accused by registering a case and investigation may be taken up.

With best regards,

Yours faithfully,

*(Vijaykrishna N.)
Police Inspector-11*



11. A perusal of the various allegations made in the impugned complaint and report will clearly indicate that all necessary ingredients constituting the alleged offences are clearly set out and are present in the complaint and report; in fact, the complaint specially states that the accused accepted, obtained and attempted to obtain from Government officials i.e., BBMP officials, State Excise Department officials, for himself and / or Lokayuktha police and officials undue pecuniary advantage / benefit as a motive and reward to induce the public servants i.e., the Lokayuktha police and officials by corrupt means, illegal means and by exercise of his personal influence so as to improperly and / or dishonestly cause the public servants i.e., Lokayuktha police and officials from doing / performing their public duty in conducting raid and / or proceeding against the said Government officials of the BBMP, Excise department etc., and / or their properties, thereby indicating that there exists *prima facie* allegations against the accused as contemplated under Section 7A of the P.C.Act, thereby warranting / require investigation which cannot be stifled/curtailed in the facts and circumstances of the instant case.



12. It is well settled that for the purpose of embarking upon investigation pursuant to registration of an FIR, all that is required is, disclosure of all facts and details relating to the offence reported and an FIR is not to be treated as a encyclopaedia; in the case of ***Tapan Kumar Singh's case supra***, the Apex Court held as under:-

"19. The High Court fell into an error in thinking that the information received by the police could not be treated as a first information report since the allegation was vague inasmuch as it was not stated from whom the sum of rupees one lakh was demanded and accepted. Nor was it stated that such demand or acceptance was made as motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show in exercise of his official function, favour or disfavour to any person or for rendering, attempting to render any service or disservice to any person. Thus there was no basis for a police officer to suspect the commission of an offence which he was empowered under Section 156 of the Code to investigate.

20. It is well settled that a first information report is not an encyclopaedia, which must disclose all facts and details relating to the offence reported. An informant may lodge a report about the commission of an offence though he may not know the name of the victim or his assailant. He may not even know how the occurrence took place. A first informant need not necessarily be an eyewitness so as to



be able to disclose in great detail all aspects of the offence committed. What is of significance is that the information given must disclose the commission of a cognizable offence and the information so lodged must provide a basis for the police officer to suspect the commission of a cognizable offence. At this stage it is enough if the police officer on the basis of the information given suspects the commission of a cognizable offence, and not that he must be convinced or satisfied that a cognizable offence has been committed. If he has reasons to suspect, on the basis of information received, that a cognizable offence may have been committed, he is bound to record the information and conduct an investigation. At this stage it is also not necessary for him to satisfy himself about the truthfulness of the information. It is only after a complete investigation that he may be able to report on the truthfulness or otherwise of the information. Similarly, even if the information does not furnish all the details he must find out those details in the course of investigation and collect all the necessary evidence. The information given disclosing the commission of a cognizable offence only sets in motion the investigative machinery, with a view to collect all necessary evidence, and thereafter to take action in accordance with law. The true test is whether the information furnished provides a reason to suspect the commission of an offence, which the police officer concerned is empowered under Section 156 of the Code to investigate. If it does, he has no option but to record the information and proceed to investigate the case either himself or depute any other competent officer to



conduct the investigation. The question as to whether the report is true, whether it discloses full details regarding the manner of occurrence, whether the accused is named, and whether there is sufficient evidence to support the allegations are all matters which are alien to the consideration of the question whether the report discloses the commission of a cognizable offence. Even if the information does not give full details regarding these matters, the investigating officer is not absolved of his duty to investigate the case and discover the true facts, if he can.

21. In the instant case the information received by the Superintendent of Police, CBI clearly spells out the offence of criminal misconduct under Section 13 of the Prevention of Corruption Act, 1988, inasmuch as there is a clear allegation that the respondent has demanded and accepted a sum of rupees one lakh by way of illegal gratification. The allegation is not as vague and bald as the High Court makes it out to be. There is a further assertion that the respondent is carrying with him the said sum of rupees one lakh and is to board the Gitanjali Express going to Nagpur. The allegation certainly gives rise to a suspicion that a cognizable offence may have been committed by the respondent, which the Superintendent of Police, CBI was empowered to investigate. Therefore if the Superintendent of Police, CBI proceeded to intercept the respondent and investigate the case, he did only that which he was in law obliged to do. His taking up the investigation, therefore, cannot be faulted.



22. The High Court has also quashed the GD entry and the investigation on the ground that the information did not disclose all the ingredients of the offence, as if the informant is obliged to reproduce the language of the section, which defines "criminal misconduct" in the Prevention of Corruption Act. In our view the law does not require the mentioning of all the ingredients of the offence in the first information report. It is only after a complete investigation that it may be possible to say whether any offence is made out on the basis of evidence collected by the investigating agency.

23. The High Court also held that before conducting the search and seizure the mandatory requirement of Section 165 was not fulfilled inasmuch as the investigating officer did not record in writing the grounds for his belief as required by the said section. It is premature at this stage to consider whether search and seizure was done in accordance with law as that is a question which has to be considered by the court, if the accused is ultimately put up for trial and he challenges the search and seizure made. Similarly, the question as to whether the GD entry, or the FIR formally recorded on 20-10-1990, is the FIR in the case, is a matter which may be similarly agitated before the court. Where two informations are recorded and it is contended before the court that the one projected by the prosecution as the FIR is not really the FIR but some other information recorded earlier is the FIR, that is a matter which the court trying the accused has jurisdiction to decide. Similarly, the mentioning of a particular section in the FIR is not by itself



conclusive as it is for the court to frame charges having regard to the material on record. Even if a wrong section is mentioned in the FIR, that does not prevent the court from framing appropriate charges."

13. So also, in ***Neeharika Infrastructure's case supra***, the Apex Court held as under:-

33.1. *Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence.*

33.2. *Courts would not thwart any investigation into the cognizable offences.*

33.3. *It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.*

33.4. *The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the "rarest of rare cases" (not to be confused with the formation in the context of death penalty).*

33.5. *While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.*



33.6. *Criminal proceedings ought not to be scuttled at the initial stage.*

33.7. *Quashing of a complaint/FIR should be an exception rather than an ordinary rule.*

33.8. *Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere.*

33.9. *The functions of the judiciary and the police are complementary, not overlapping.*

33.10. *Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.*

33.11. *Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.*

33.12. *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law.*



After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13. *The power under Section 482CrPC is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court.*

33.14. *However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in R.P. Kapur [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] and Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , has the jurisdiction to quash the FIR/complaint.*

33.15. *When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR."*



14. In the case of ***Sheikh Abdul Mazeed and others Vs. Union Territory – MANU/JK/1118/2023..***, the High Court of Jammu and Kashmir and Ladakh held as under:

“65. Since the allegations levelled against the petitioners are that they have demanded bribe of Rs. 3,500/-and the trap was laid and the money was also recovered, it will attract the penal provisions of the Act against the petitioners in the light of Section 7A of PC Act. The language of Section 7A is explicit which provides that whoever accepts or obtains or attempts to obtain from another person for himself or for any other person any undue advantage as a motive or reward to induce a public servant, by corrupt or illegal means or by exercise of his personal influence to perform or to cause performance of a public duty improperly or dishonestly or to forbear or to cause to forbear such public duty by such public servant or by another public servant, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

66. It would be advantageous to reproduce Section 7A of PC.Act:-

“7A. Taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence.-Whoever accepts or obtains or attempts to obtain from another person for himself or for any other person any undue advantage as a motive or reward to induce a public servant, by corrupt or illegal means or by exercise of his personal influence to perform or to cause performance of a public duty improperly or dishonestly or to forbear or to cause to forbear such public duty by such public servant or by another public servant, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.”



71. Thus, it may safely be concluded that while Section 7 and 7A are independent to each other but Section 7A has been inserted with sole object to reach aiders and abettors of the offence. It, therefore, extends all the persons whether they are or are not public servant. However, where a person accepting bribe is a public servant, the Section for charging him is Section 7 of PC Act 1988, and for a private person, Section 7A would be applicable. Therefore, Section 7A gives wider power to the authorities to initiate action against a private individual, which means involvement of public servant is not a condition precedent for registering of FIR.

74. This Court is of the firm view that a zero tolerance towards corruption should be the top notch priority for ensuring system based and policy driven, transparent and responsive governance. Corruption cannot be annihilated but strategically be dwindled by reducing monopoly and enabling transparency in decision making. However, fortification of social and moral fabric must be an integral component of long-term policy for nation building to accomplish corruption free society.

75. In furtherance of the fight against corruption, a broad interpretation to the provisions of this statute is required to be given and the arms of this Act are required to be extended to the maximum. The offences under the P.C.Act can be invoked not only against a public servant but also against a person, who by virtue of his office has been discharging 'public duty'.

76. I draw support from the judgment titled *State of Gujarat Vs. Manusukhbhai Kanjibhai Shah* reported a MANU/SC/0417/2020, wherein the Apex Court has observed as under:-



"...Today, corruption in our country not only poses a grave danger to the concept of constitutional governance, it also threatens the very foundation of Indian democracy and the Rule of Law. The magnitude of corruption in our public life is incompatible with the concept of a socialist, secular democratic republic. It cannot be disputed that where corruption begins all rights end. Corruption devalues human rights, chokes development and undermines justice, liberty, equality, fraternity which are the core values in our preambular vision. Therefore, the duty of the Court is that any anti-corruption law has to be interpreted and worked out in such a fashion as to strengthen the fight against corruption. That is to say in a situation where two constructions are eminently reasonable, the Court has to accept the one that seeks to eradicate corruption to the one which seeks to perpetuate it."

77. *When the legislature has introduced such a comprehensive definition of "public servant" to achieve the purpose of punishing and curbing the growing menace of corruption in the society imparting public duty, it would be apposite not to limit the contents of the definition clause by construction which would be against the spirit of the statute.*

78. *Since this Court has already held the petitioners to be public servant performing the public duty, therefore, the respondent has rightly initiated action against the petitioners by registering FIR under Section 7 and 7A of the Prevention of Corruption Act, 1988.*

79. *The argument of learned senior counsel for the petitioners that the respondent has no power to register the case against the petitioners under the provisions of P.C. Act for a simple reason that the petitioners are not public servants, is unsustainable in light of what has been discussed hereinabove."*

15. A perusal of the aforesaid complaint and report will indicate that the information is said to have been from several



government officials to the effect they had received telephone calls informing them that there is a likelihood of a raid or trap or other proceedings against them arising out of complaint/applications as planned by Lokayukta police and officials and in order to avoid the same, bribe amount was demanded again and again pressurizing them and harassing them since several days and extorting money from them; that several government officers have fallen prey to the said telephone calls from phony Lokayukta officers and have paid cash/electronic funds transfer in thousands/lakhs of rupees through cash or through PhonePe and that upon enquiries of Lokayukta office, the said officers came to know that there was no such demand from any of the officers in the Lokayukta; that some government officers have given complaints to the concerned police stations and investigation is under progress despite which some persons are continuing to threaten government officers and extorting money from them.

16. It is further alleged for the purpose of committing these acts, the said persons had purchased new sim cards and displayed the photographs of the Hon'ble Lokayukta, Hon'ble Upalokayukta and other senior/junior police officers on their IDs in Truecaller app



or WhatsApp DP and had spoken to the said government officers in such a way so as to create belief in them about their identity and extorted money from the said government officers; that the informants contacted the extorted government officers/ officials and collected information having a mobile number 9743352339 had contacted senior Excise Department officials and BBMP officials through WhatsApp calls and messages and that the petitioner had communicated with them to meet him and threatened them and extorted/collected money from them on this pretext; that the petitioner was frequently visiting the Lokayukta office at Bangalore and was in contact with the Lokayukta officials and information about other government officials from other Departments and money being collected from them have also been learnt by the informants; that as per the information received, the petitioner was likely to meet some officers on Monday (02.06.2025) for the purpose of collecting information regarding officers of other Departments for extorting money from them also; that a case was registered against an unknown accused in Tumakuru who had put his WhatsApp DP as a Lokayukta official and had called up the RTO, A.V.Prasad on his mobile number and demanded money in



addition to calling other officers in Bangalore and that information regarding further offences committed by the petitioner was received by the respondent.

17. A perusal of the complaint and report is sufficient to come to the sole and unmistakable conclusion that *prima facie* necessary ingredients constituting offences punishable under Section 7A of the P.C.Act have been *prima facie* made out and disclosed as against the petitioner against whom, grave and serious allegations of corruption have been made by the respondent. In the light of detailed allegations contained in the complaint and the report and the provisions contained in Section 7A of the P.C Act, I am of the considered opinion that *prima facie* the matter warrants investigation to be conducted by the Investigating Officer and consequently, it will be impermissible in law to scuttle/interfere with the investigation at this nascent/premature stage and consequently, the contention urged by the petitioner in this regard cannot be accepted.

18. In ***Ram Singh's case supra***, the Apex Court held as under:-



“8. Corruption in a civilised society is a disease like cancer, which if not detected in time, is sure to malignise (sic) the polity of the country leading to disastrous consequences. It is termed as a plague which is not only contagious but if not controlled spreads like a fire in a jungle. Its virus is compared with HIV leading to AIDS, being incurable. It has also been termed as royal thievery. The socio-political system exposed to such a dreaded communicable disease is likely to crumble under its own weight. Corruption is opposed to democracy and social order, being not only anti-people, but aimed and targeted against them. It affects the economy and destroys the cultural heritage. Unless nipped in the bud at the earliest, it is likely to cause turbulence — shaking of the socio-economic-political system in an otherwise healthy, wealthy, effective and vibrating society.

9. The menace of corruption was found to have enormously increased by the First and Second World War conditions. Corruption, at the initial stages, was considered confined to the bureaucracy which had the opportunities to deal with a variety of State largesse in the form of contracts, licences and grants. Even after the war the opportunities for corruption continued as large amounts of government surplus stores were required to be disposed of by the public servants. As a consequence of the wars the shortage of various goods necessitated the imposition of controls and extensive schemes of post-war reconstruction involving the disbursement of huge sums of money which lay in the



control of the public servants giving them a wide discretion with the result of luring them to the glittering shine of wealth and property. In order to consolidate and amend the laws relating to prevention of corruption and matters connected thereto, the Prevention of Corruption Act, 1947 was enacted which was amended from time to time. In the year 1988 a new Act on the subject being Act 49 of 1988 was enacted with the object of dealing with the circumstances, contingencies and shortcomings which were noticed in the working and implementation of the 1947 Act. The law relating to prevention of corruption was essentially made to deal with the public servants, not as understood in common parlance but specifically defined in the Act.

10. *The Act was intended to make effective provisions for the prevention of bribery and corruption rampant amongst the public servants. It is a social legislation intended to curb illegal activities of the public servants and is designed to be liberally construed so as to advance its object. Dealing with the object underlying the Act this Court in R.S. Nayak v. A.R. Antulay [(1984) 2 SCC 183 : 1984 SCC (Cri) 172] held: (SCC p. 200, para 18)*

“18. The 1947 Act was enacted, as its long title shows, to make more effective provision for the prevention of bribery and corruption. Indisputably, therefore, the provisions of the Act must receive such construction at the hands of the court as would advance the object and purpose underlying the Act and at any rate not defeat it. If the words of the statute are clear and unambiguous, it is the plainest duty of the court to give effect to the natural meaning of the words used in the provision. The question of construction arises only in the event of an ambiguity or the plain meaning of the



words used in the statute would be self-defeating. The court is entitled to ascertain the intention of the legislature to remove the ambiguity by construing the provision of the statute as a whole keeping in view what was the mischief when the statute was enacted and to remove which the legislature enacted the statute. This rule of construction is so universally accepted that it need not be supported by precedents. Adopting this rule of construction, whenever a question of construction arises upon ambiguity or where two views are possible of a provision, it would be the duty of the court to adopt that construction which would advance the object underlying the Act, namely, to make effective provision for the prevention of bribery and corruption and at any rate not defeat it.”

11. Procedural delays and technicalities of law should not be permitted to defeat the object sought to be achieved by the Act. The overall public interest and the social object is required to be kept in mind while interpreting various provisions of the Act and deciding cases under it.”

19. In the instant case, the complaint and report *prima facie* contain all necessary ingredients constituting the offences alleged against the petitioner and in the light of the aims and objects of the P.C Act, in particular, incorporation/insertion of Section 7A of the P.C.Act relating to even non-public servants such as the petitioner vide the Amendment Act 2018, I am of the considered opinion that the question of quashing the impugned FIR and thereby preventing/scuttling/interfering with the investigation would not arise in the facts and circumstances of the instant case.



20. It is contended that the respondent had not conducted the requisite preliminary inquiry as directed by the Apex Court in ***Lalitha Kumari's case supra*** prior to registration of the impugned FIR and the report of the Police Inspector dated 02.06.2025 was not a preliminary inquiry report but a detailed investigation report; at the outset, it is relevant to state a perusal of the said report dated 02.06.2025 will indicate that the same is in the nature of preliminary inquiry report and not a detailed investigation report as contended by the petitioner whose contention in this regard is factually incorrect and erroneous; at any rate, even assuming that no preliminary inquiry was conducted, as held by the Apex Court that non-conducting of preliminary inquiry would not vitiate the FIR as held by the Apex Court in the case of ***State of Karnataka v. T.N. Sudhakar Reddy - 2025 SCC OnLine SC 382*** as under:

“ Issue A: Whether a preliminary inquiry was mandatory before directing registration of an FIR under the PC Act in the facts of the case at hand or whether the source information report could be treated to be a substitute for the preliminary inquiry?

14. It is the case of the appellant-State that preliminary inquiry is not mandatory before registration of an FIR. Without prejudice to the above, it is contended that the



source information report submitted by the Police Inspector, Karnataka Lokayukta Police Station to the Superintendent of Police, detailing acquisition of assets by the respondent disproportionate to his known sources of income, itself serves as a preliminary inquiry report as it was elaborate enough to disclose a prima facie case for the offences punishable under Section 13(1)(b) and Section 12 read with Section 13(2) of the PC Act.

15. On the other hand, learned counsel for the respondent would urge that the Superintendent of Police acted in gross violation of law while issuing an order to the Deputy Superintendent of Police to register an FIR as preliminary inquiry in 'corruption cases' is a condition precedent for registration of the FIR. Further, preliminary inquiry can only be conducted by a police officer, who is competent to investigate the offence, and thus, a source information report, however detailed, cannot be taken to be a substitute for a preliminary inquiry.

16. In addressing this issue, we must first consider the legal framework established by this Court in a catena of decisions, particularly in P. Sirajuddin (supra), Lalita Kumari (supra), Thommandru Hannah Vijayalakshmi (supra), and Managipet (supra). This Court in P. Sirajuddin (supra) has held that before any public servant is charged with any acts of dishonesty, a preliminary inquiry 'must' be conducted in order to obviate incalculable harm to the reputation of that person. The relevant para from P. Sirajuddin is extracted herein below:—



“17. Before a public servant, whatever be his status, is publicly charged with acts of dishonesty which amount to serious misdemeanour or misconduct of the type alleged in this case and a first information is lodged against him, there ‘must’ be some suitable preliminary inquiry into the allegations by a responsible officer. The lodging of such a report against a person, specially one who like the appellant occupied the top position in a department, even if baseless, would do incalculable harm not only to the officer in particular but to the department he belonged to, in general...”(emphasis supplied)

17. However, the authoritative pronouncement of law in respect of registration of the FIR emerges from the decision of the Constitution Bench in Lalita Kumari (supra) wherein, the issue before the Court was whether a police officer is obligated to register an FIR upon receiving information regarding the commission of a cognizable offence under Section 154 of the CrPC (corresponding Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹⁷) or whether it is essential to conduct a preliminary inquiry to verify the information before registration of the FIR. This Court held that under Section 154 of the CrPC, a police officer is required to register an FIR when the information received by him discloses the commission of a cognizable offence, without undertaking a preliminary inquiry. However, the Court was also cognizant of the possible misuse of the criminal law resulting in the registration of frivolous FIRs. To address this concern, it outlined specific ‘exceptions’ to the general rule, which mandates the immediate registration of FIR upon receiving information about a cognizable offence. The Constitution Bench in Lalita Kumari (supra) held:



“119. Therefore, in view of various counterclaims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register an FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible, etc. These are the issues that have to be verified during the investigation of the FIR. At the stage of registration of FIR, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR.”(emphasis supplied)

18. The following guidelines were laid down by the Constitution Bench governing the issues:—

“120. In view of the aforesaid discussion, we hold:

120.1. The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

120.2. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

120.3. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must



disclose reasons in brief for closing the complaint and not proceeding further.

120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

120.6. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months' delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry."

(emphasis supplied)

19. It was held that a preliminary inquiry is not mandatory if the information received by the police officer/Investigating Agency discloses the commission of a cognizable offence. However, if the preliminary inquiry is conducted, its scope is limited to determine whether the information prima facie reveals commission of a cognizable offence and does not extend to verifying its truthfulness. The necessity of a preliminary inquiry depends on the specific facts and circumstances of each case. For instance,



corruption cases fall into a category where a preliminary inquiry 'may be made'.

20. The use of the term 'may be made' as noted in Lalita Kumari (supra) underscores that conducting such an inquiry is discretionary in nature and not a mandatory obligation.

21. Following the rationale of Lalita Kumari (supra), this Court in Managipet (supra) held that while the decision in Lalita Kumari (supra) noted that a preliminary inquiry was desirable in cases of alleged corruption, this does not vest a right in the accused to demand a preliminary inquiry. Whether the preliminary inquiry is required to be conducted or not will depend on the peculiar facts and circumstances of each case, and it cannot be said to be a mandatory requirement, in the absence of which, an FIR cannot be registered against the accused in corruption-related matters.

22. The relevant paragraphs from Managipet (supra) are extracted herein below:—

"33. In the present case, the FIR itself shows that the information collected is in respect of disproportionate assets of the accused officer. The purpose of a preliminary inquiry is to screen wholly frivolous and motivated complaints, in furtherance of acting fairly and objectively. Herein, relevant information was available with the informant in respect of prima facie allegations disclosing a cognizable offence. Therefore, once the officer recording the FIR is satisfied with such disclosure, he can proceed against the accused even without conducting any inquiry or by any other manner on the basis of the credible information received by him. It cannot be said that the FIR is liable to be quashed for the reason that the preliminary inquiry was not conducted. The same can only be done if upon a reading of the entirety of an FIR, no offence is disclosed. Reference in this regard,



is made to a judgment of this Court in State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] wherein, this Court held inter alia that where the allegations made in the FIR 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 and also where a criminal proceeding is manifestly attended with mala fides 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.

34. Therefore, we hold that the preliminary inquiry warranted in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] is not required to be mandatorily conducted in all corruption cases. It has been reiterated by this Court in multiple instances that the type of preliminary inquiry to be conducted will depend on the facts and circumstances of each case. There are no fixed parameters on which such inquiry can be said to be conducted. Therefore, any formal and informal collection of information disclosing a cognizable offence to the satisfaction of the person recording the FIR is sufficient.”(emphasis supplied)

23. A three-judge bench of this Court in Thommandru Hannah Vijayalakshmi (supra) extensively discussed the judicial precedents and legal principles governing the requirement of conducting a preliminary inquiry before registration of an FIR. The Court affirmed the view taken by the two-judge Bench in Managipet (supra), holding that a preliminary inquiry may not be necessary if the officer recording the FIR possesses relevant information which discloses the commission of a cognizable offence. The relevant extracts from Thommandru Hannah Vijayalakshmi (supra) are reproduced herein below:—



“32. [...] we hold that since the institution of a Preliminary inquiry in cases of corruption is not made mandatory before the registration of an FIR under the CrPC, PC Act or even the CBI Manual, for this Court to issue a direction to that affect will be tantamount to stepping into the legislative domain.

39. The precedents of this Court and the provisions of the CBI Manual make it abundantly clear that a preliminary inquiry is not mandatory in all cases which involve allegations of corruption. The decision of the Constitution Bench in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] holds that if the information received discloses the commission of a cognizable offence at the outset, no preliminary inquiry would be required. It also clarified that the scope of a preliminary inquiry is not to check the veracity of the information received, but only to scrutinise whether it discloses the commission of a cognizable offence. Similarly, Para 9.1 of the CBI Manual notes that a preliminary inquiry is required only if the information (whether verified or unverified) does not disclose the commission of a cognizable offence. Even when a preliminary inquiry is initiated, it has to stop as soon as the officer ascertains that enough material has been collected which discloses the commission of a cognizable offence. A similar conclusion has been reached by a two-Judge Bench in Managipet [State of Telangana v. Managipet, (2019) 19 SCC 87 : (2020) 3 SCC (Cri) 702] as well. Hence, the proposition that a preliminary inquiry is mandatory is plainly contrary to law, for it is not only contrary to the decision of the Constitution Bench in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] but would also tear apart the framework created by the CBI Manual.”(emphasis supplied)

24. Applying these principles to the case at hand, it is perspicuous that conducting a preliminary inquiry is not sine qua non for registering a case against a public servant who is accused of corruption. While preliminary inquiry is desirable in certain categories of cases including those under the PC Act, it is neither a vested right of the accused, nor a mandatory pre-requisite for registration of a criminal case.



The purpose of a preliminary inquiry is not to verify the veracity of the information received, but merely to ascertain whether the said information reveals the commission of a cognizable offence. The scope of such inquiry is naturally narrow and limited to prevent unnecessary harassment while simultaneously ensuring that genuine allegations of a cognizable offence are not stifled arbitrarily. Thus, the determination, whether a preliminary inquiry is necessary or not will vary according to the facts and circumstances of each case.

25. In the present case, the Police Inspector of the Karnataka Lokayukta submitted a comprehensive source information report dated 10th November, 2023 to the Superintendent of Police, which included meticulous documentation and evaluation of the assets acquired by the respondent, which were grossly disproportionate to his known sources of income. The respondent, during his tenure of service in various departmental units, had acquired assets worth Rs. 3,81,40,246/-, which were disproportionate and almost 90.72% more than his known sources of income. Thereupon, the Superintendent of Police took cognizance of the source information report and concluded that the allegations made against the respondent did constitute prima facie offences punishable under Section 13(1)(b) and Section 12 read with Section 13(2) of the PC Act.

26. It is clearly discernible that the source information report dated 10th November, 2023, was in the nature of a preliminary inquiry in itself and nothing else. The comprehensive nature of the said report took it beyond a



simple complaint, as it provided a meticulous breakdown of the respondent's monetary acquisitions. Further, the report makes cross-referencing of official income records with actual property acquisitions, bank deposits, and other financial assets. In substance, the source information report prime facie reflects a systematic pattern of financial irregularities, wherein the discrepancy in acquisition of assets was found to be 90.72% more than the known sources of income of the respondent.

27. Thus, in our view the source information report dated 10th November, 2023, served as a critical piece of information which not only documented the financial discrepancies but also presented a clear, prima facie picture of disproportionate assets accumulated by the respondent but also demanded immediate and thorough investigative action. As we have noted above, the scope of preliminary inquiries is not to verify the absolute truthfulness of information, and it is only to ascertain whether a cognizable offence is disclosed or not therefrom. The source information report in the case at hand clearly satisfies this criterion by comprehensively documenting the financial irregularities committed by the respondent and disclosed a prima facie case of commission of a cognizable offence involving acquisition of disproportionate assets, punishable under the PC Act. Thus, we are of the opinion that the High Court erred in concluding that the FIR was liable to be quashed on account of omission to conduct a preliminary inquiry.



21. So also, in the case of **State of Karnataka v. Channakeshava H.D -2025 SCC OnLine SC 753**, the Apex Court held as under:

“12. To sum up, this Court has held that in matters of corruption a preliminary enquiry although desirable, but is not mandatory. In a case where a superior officer, based on a detailed source report disclosing the commission of a cognizable offence, passes an order for registration of FIR, the requirement of preliminary enquiry can be relaxed.

13. All the same, Mr. Ranjit Kumar, learned senior advocate for respondent no. 1, would argue that respondent no. 1 was never given a chance to explain his position before the registration of FIR. He would, further, argue that FIR has been used as an instrument to harass the public servant and this is a case where no prior notice or hearing was given to the officer (respondent no. 1), which could have taken place if a preliminary enquiry had been held.

14. Mr. Devadatt Kamat, senior counsel, has relied upon a recent Three-Judge Bench decision of this Court in CBI v. Thommandru Hannah Vijayalakshmi, (2021) 18 SCC 135 where it was specifically stated that an accused public servant does not have any right to explain the alleged disproportionate assets before filing of an FIR. We are also of the opinion that this is the correct legal position as there is no inherent right of a public servant to be heard at this stage.



15. In view of the above, it is clear that preliminary enquiry was not mandated in the present case, considering that detailed information was already there before the SP in the form of the source report referred above. We have also gone through the order passed by the SP, directing registration of FIR against respondent no. 1, which reflects that the SP had passed that order on the basis of material placed before him in the form of the source report.”

21. The contention of the petitioner that the report dated 02.06.2025 by the Inspector of Police is not a preliminary enquiry report but a detailed investigation report is factually incorrect, since a perusal of the said report will clearly indicate that all that the Police Inspector has done is noted the allegations made in the complaint dated 30.05.2025 and had reported that his preliminary enquiry disclosed that the petitioner was *prima facie* guilty of the alleged offences and that a detailed investigation by registering an FIR was required / warranted in the facts and circumstances of the case and as such, this contention urged by the petitioner cannot be accepted.

22. Insofar as the contention of the petitioner that the impugned FIR against the petitioner/non-public servant is not maintainable for offences under Section 7(a) or 7A of the P.C.Act,



since no public servant was arraigned in the impugned FIR which was registered only against the petitioner is concerned, as rightly contended by the learned Senior counsel for the respondent - Lolayuktha, during / after investigation, having regard to the provisions contained in Section 173 Cr.P.C, it is always open/permissible for the respondent to identify and include additional accused persons including public servants who had not been identified/included/arraigned in the impugned FIR as well include/add additional provisions viz., Sections 7, 8, 12 etc; as stated supra, the investigation is at a very nascent/early stage and as such, scuttling/preventing investigation and refusing to permit the respondent to identify and include additional accused persons including BBMP officials, Excise officials, Lokayukta police and officials and other public servants would clearly tantamount to interfering with the due process of law, which is clearly impermissible having regard to the aims and objects of P.C Act and its amendments; in other words, since, it was not possible to identify and include the public servants at the time of registration of the FIR, the FIR was registered against the petitioner and others and it was always open / permissible for the Investigating Officer to



add / include other accused persons including public servants after investigation as well as add / include additional offences under the P.C Act at the time of filing the charge sheet and consequently, merely because the petitioner who was a non-public servant is alone sought to be shown as an accused in the FIR at the very inception and initial stage, the said circumstance cannot be made the basis to interfere with the impugned FIR and prevent investigation from being conducted by the respondent. Under these circumstances, even this contention urged by the petitioner cannot be accepted.

23. It is needless to state that since the present proceedings are at a very nascent/initial stage and the present order is made only by a *prima facie* examination of the material on record, the present order and the *prima facie* findings/observations made herein would not come in the way of the petitioner taking recourse to such remedies as available in law including approaching this Court subsequently after filing of the final report by the respondent and as such, it cannot be said that continuation of the investigation would cause any prejudice or hardship to the petitioner so as to warrant invocation of the jurisdiction/powers of



this Court at this stage of the proceedings by quashing the FIR which cannot be countenanced by this Court in the present petition.

24. Insofar as the other judgments relied upon by both sides are concerned, having regard to the findings recorded by me hereinbefore, the said judgments which were rendered in the facts and circumstances of the said cases would not be applicable to the facts of the instant case and as such, the same are not elaborately dealt with in the present order.

25. In view of the aforesaid facts and circumstances, I am of the considered opinion that the instant case does not warrant interference by this Court in the exercise of its jurisdiction / powers under Article 226 of the Constitution of India or Section 482 Cr.P.C. / Section 528 BNSS, 2023.

26. In the result, I pass the following:

ORDER

(i) Petition is hereby dismissed.

(ii) It is however made clear that this order and the findings/observations, if any, are for the limited/*prima facie* stage of challenging the impugned FIR.



(iii) Liberty is reserved in favour of the petitioner to take recourse to such remedies as available in law including approaching this Court subsequently after filing of the final report by the respondent

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

Srl.