



CNR: KAHC010089192024

NC: 2026:KHC:53105
WP No. 4792 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 4792 OF 2024 (GM-RES)

BETWEEN:

SRI. SYED MUNEER AHMED
S/O LATE SYED BASHEER AHMED
AGED 59 YEARS
OCCUPATION: I/C EXECUTIVE ENGINEER (EE)
KARNATAKA RURAL INFRASTRUCTURE
DEVELOPMENT LTD., RAMNAGARA DIVISION
R/AT NO. 28/2, SILVER SKY APARTMENT
6TH 'B' MAIN ROAD, APPANNA BLOCK
KOUSARNAGAR, R.T. NAGAR
BENGALURU - 560 032.

...PETITIONER

(BY SRI. PRASANNA KUMAR P, ADVOCATE)

AND:

Digitally signed
by
ANNA PURNA G
Location: High
Court of
Karnataka

1. STATE OF KARNATAKA BY
LOKAYUKTA P.S., BENGALURU CITY
REPRESENTED BY
SPECIAL PUBLIC PROSECUTOR
OFFICE OF KARNATAKA LOKAYUKTA,
M.S. BUILDING, DR. AMBEDKAR VEEDHI
BENGALURU - 560 001.
2. SRI. KESHAVAMURTHY R
S/O LATE RAMAMURTHY
AGED 42 YEARS
INSPECTOR OF POLICE
KARNATAKA LOKAYUKTA



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BENGALURU CITY, M.S. BUILDING
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. B.B. PATIL, ADVOCATE FOR R1)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF THE CR.PC PRAYING TO QUASH THE FIR AND COMPLAINT/SOURCE REPORT DTD 11.12.2023 IN CRIME NO. 05/2024 DTD 08.01.2024 REGISTERED BY THE R-1/KARNATAKA LOKAYUKTA POLICE, BENGALURU CITY AS AGAINST THE PETITIONER HEREIN WHO IS ARRAYED AS ACCUSED ALLEGING THE COMMISSIONER OF OFFENCE PUNISHABLE U/S 13(1)(b) R/W SEC 13(2) OF THE PREVENTION OF CORRUPTION ACT, 1988 (AMENDMENT ACT-2018) WHICH IS PENDING ON THE FILE OF THE HONBLE XXIII ADDL. CITY CIVIL AND SESSIONS COURT, BENGALURU CITY, INSOFAR AS THE PETITIONER/ACCUSED IS CONCERNED (PRODUCED VIDE ANNEXURES-A AND B) AND ETC.,

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



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CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Prasanna Kumar P., learned counsel for the petitioner and Sri.B.B.Patil, learned counsel for respondent No.1.

2. Accused in Crime No.5/2024 registered by Karnataka Lokayukta, Bengaluru for the offence punishable under Section 13(1)(b) read with Section 13(2) of Prevention of Corruption Act is the petitioner challenging the very registration of the case on the ground that there is no preliminary enquiry and there is no proper order under Section 17 of the Prevention of Corruption Act before registration of the FIR.

3. Learned counsel for the petitioner would also invite the attention of this Court that statement – A depicts that there is nil and when statement – A which is the assets at the beginning of the check period shows 'nil'. Therefore, other assets are by way of salary and by way of acquisition of the properties through the father-in-law of the petitioner who is a rich land owner having 200 acres of land. Therefore, if a



preliminary enquiry had been held by the investigation agency before registering the FIR, accused would have had the opportunity of explaining the assets possessed by him and therefore, sought for quashing of the criminal complaint.

4. Per contra, learned counsel for respondent No.1 would point out that Annexure-R3 is the order passed under Section 17 of the Act and there is sufficient application of mind before directing the registration of the FIR and thus sought for dismissal of the petition.

5. Having heard the arguments of both the parties, this Court noted that relevant aspects of the matter.

6. Taking note of the language employed in Section 13(1)(b) of the Prevention of Corruption Act and the statutory protection of passing an order under Section 17 of the Prevention of Corruption Act before registration of the FIR, this Court perused the material on record.

7. Before registering the FIR, a preliminary enquiry no doubt needs to be done; which is not carried out in the case on hand.



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8. However, taking note of the statutory principles, holding a preliminary enquiry is only a rule of prudence and not a mandatory statutory requirement; while passing an order under Section 17 of the Prevention of Corruption Act which is a statutory requirement.

9. In every case, if the preliminary enquiry is not held, the FIR registered by the Lokayukta Police cannot be faulted with whereas if there is no order under Section 17 of the Prevention of Corruption Act, registration of the FIR is *per se* illegal.

10. In the case on hand, there is an order under Section 17 of the Prevention of Corruption Act passed by Superintendent of Police, but what is missing is the preliminary enquiry and statement – A showing the nil income at the time of joining the office by the petitioner.

11. Thereafter, assets have been shown which according to the Superintendent of Police and the investigation agency is disproportionate to the known source of income to



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the tune of more than 99%, investigation is necessary in the case on hand.

12. The defence of the petitioner herein to the effect that his father-in-law is a land owner having more than 200 acres of land, is also required to be brought to the notice of the investigation agency by the petitioner with necessary documentary evidence on record.

13. Needless to emphasize that investigation agency is required to take same into consideration and file appropriate report.

14. At this juncture, learned counsel for the petitioner, would contend that petitioner is retired and investigation if takes a longer time, petitioner would be put to unnecessary hardship.

15. Such an apprehension can be put at rest by observing that investigation shall be concluded in a time bound manner.



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16. As such, following:

ORDER

- i. Petition is ***dismissed***.
- ii. However, investigation shall be completed on or before **31.03.2027** and appropriate report is to be filed.
- iii. Needless to emphasize that petitioner shall cooperate in all respects for the early investigation and filing the report.

**Sd/-
(V SRISHANANDA)
JUDGE**

KAV
List No.: 1 Sl No.: 25