



CNR: KAHC010098322023

NC: 2026:KHC:51564
WP No. 4472 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 4472 OF 2023 (GM-RES)

BETWEEN:

1. SRI. AJAY CHAVAN
S/O RAMU CHAVAN,
AGED ABOUT 31 YEARS,
WORKING AS ASSISTANT EXECUTIVE ENGINEER,
SMART GRID AND ELECTRIC VEHICLE SECTION,
CORPORATE OFFICE,
BANGALORE ELECTRICITY SUPPLY
COMPANY LIMITED, K.R. CIRCLE,
BANGALORE - 560 001.
2. SRI. SATHEESHA N
S/O NARASIMHAIAH,
AGED ABOUT 37 YEARS,
WORKING AS ASSISTANT ENGINEER,
SMART GRID, DISTRIBUTION AND
AUTOMATION SECTION,
H.S.R LAYOUT, BANGALORE - 560 102.

...PETITIONERS

(BY SRI. SATISH K, ADVOCATE)

AND:

1. THE STATE BY KARNATAKA
LOKAYUKTHA POLICE,
REPRESENTED BY ITS DEPUTY
SUPERINTENDENT OF POLICE,
BANGALORE CITY, M.S. BUILDING,
BANGALORE - 560 001.

Digitally signed
by ASHWINI
MAYAPPA
MAVARAKAR
Location: High
Court of
Karnataka





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2. SRI. NATARAJ M.G,
S/O RUDRAPPA M.G,
AGED ABOUT 49 YEARS,
CLASS-I ELECTRICAL CONTRACTOR,
NO. 348, BAGALURU VILLAGE,
YELAHANKA TALUK, BANGALORE NORTH,
BANGALORE - 562 149.

...RESPONDENTS

(BY SRI. JOSEPH ANTHONY, ADVOCATE FOR R1;
R2 - SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC.482 OF THE CR.P.C PRAYING TO CALL FOR RECORDS FROM THE RESPONDENTS. QUASHING THE IMPUGNED COMPLAINT DATED 30/12/2021 GIVEN BY THE R-2 TO THE R-1 (ANNEXURE-B) AND THE IMPUGNED FIRST INFORMATION REPORT (WHICH IS NOW TRANSFERRED TO R-1 FROM THE THEN ANTI CORRUPTION BUREAU) IN CRIME NO.66/2021 DATED 30/12/2021 (ANNEXURE-C) AND ALL FURTHER PROCEEDINGS PURSUANT THERETO AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Satish K., learned counsel for the petitioner and Sri.Madhu Kiran, learned counsel appearing for Sri.Joseph Anthony, learned counsel for respondent No.1.



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2. Respondent No.2 is served with the notice and remained absent.

3. Petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayer:

"Therefore, the petitioner most humbly prays that this Hon'ble Court may be pleased to:

- a. Call for records from the respondents;*
- b. Issue writ or order quashing the impugned complaint dated 30.12.2021 given by the respondent No.2 to respondent No.1 (Annexure-B) and the impugned First Information Report (which is not transferred to respondent No.1 from the then Anti Corruption Bureau) in Crime No.66/2021 dated 30.12.2021 (Annexure-C) and all further proceedings pursuant thereto, in the interest of justice and equity.*
- c. Pass any other order including the cost of the writ petition, in the interest of justice and equity."*

""

4. Facts of the case are as under:

4.1. A complaint came to be lodged with Anti Corruption Bureau by respondent No.2 – Sri.Nataraj M. G. by contending that he is an electrical contractor and for the purpose of getting



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the electrical connection in respect of the cites which are formed in Balaji Layout of Doddabyalakere Village, Hesaraghatta Hobli, Bengaluru North Taluk, he had contacted Sri.Satheesha N., who is accused No.2 on 08.12.2021. He took Rs.5,000/- as bribe and he prepared estimation bearing No.AE/DBK/01 on 08.12.2021 and told that same should be handed over to the office of the Assistant Executive Engineer.

4.2. Accordingly, complainant contacted the Assistant Executive Engineer Office on 08.12.2021 and gave the file there wherein he met Sri.Ajay Chavan who is accused No.1. He had told that the file is to be registered and took Rs.20,000/- as advance bribe and visited the spot on 28.12.2021 at about 4.30 p.m. After visiting the spot, petitioner No.1 said to have demanded the bribe amount of Rs.3,00,000/-.

4.3. Complainant said to have negotiated the bribe amount of Rs.1,00,000/- for which the petitioner No.1 did not agree and thereafter, Rs.1,50,000/- and ultimately for Rs.2,00,000/-. But the petitioner No.1 insisted for Rs.3,00,000/-.



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4.4. It is the specific case of the complainant that conversation was video recorded by him about demand of Rs.3,00,000/- on his Samsung mobile telephone.

5. Since the complainant was not interested in parting away with said huge amount as bribe to the petitioner, he lodged the complaint with Anti Corruption Bureau.

6. Based on the complaint, experimental mahazar was conducted but there was a failed trap. Thereafter, case came to be filed against the petitioners herein based on the conversation found in the Samsung Mobile Telephone of respondent No.2 under Section 7(a) of the Prevention of Corruption Act.

7. Registration of the FIR is called in question, by the petitioners herein.

8. Learned counsel for the petitioners reiterating the grounds urged in the petition would contend that for an offence under Section 7(a) of the Prevention of Corruption Act, there must be demand and acceptance and therefore, when there is a failed trap, no offence is made for the offence punishable under



Section 7(a) of the Prevention of Corruption Act and therefore, sought for quashing of the FIR.

9. Per contra, learned counsel for respondent No.1 supports the registration of the FIR as there was a clear admission that is found in the video clipping handed over by respondent No.2 to respondent No.1.

10. Having heard the arguments of both the parties, this Court perused the material on record meticulously.

11. On such perusal of the material on record, when an FIR in a corruption case is to be quashed is no longer *res integra*.

12. Hon'ble Apex court in the case of ***State of Karnataka and Another v. Prabhu Shankar and Another***, reported in ***2026 SCC OnLine SC 1446*** has dealt in detail as to the powers of the Court to quash the FIR and how and what are the parameters in respect of the FIR which needs to be quashed in a corruption matter.

13. There lordships after dealing with the relevant judgments on the point, in paragraph Nos.11 to 17 has held as under:



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"11. *It is settled law that the power to quash an FIR under Section 482 of the CrPC is to be exercised sparingly and not as a matter of routine. Moreover, when a High Court is entertaining a petition for quashing of FIR, it is to refrain from entering into roving and fishing enquiry about the investigative material. What has to be seen is whether, prima facie, the contents of the FIR disclose any commission of a cognizable offence or not. At this initial stage, a 'mini-trial' cannot be conducted by the High Court.*

12. *In the considered view of this Court, the High Court vide the impugned orders has traversed beyond the contours of consideration of a petition under Section 482, CrPC. There were two material aspects which weighed with the High Court, the delay in lodging of the FIR and no evidence of demand/recovery of money. In our view, there cannot be any doubt that these aspects would have to be established through evidence in the criminal trial or may warrant consideration for discharge. Absence of proof as to demand of illegal gratification and recovery thereof, may become a ground for discharge and/or ultimate acquittal in the trial; however, they cannot become grounds for quashing of the FIR.*

13. *For this, we advert to the recent exposition of this Court in State v. K. Rangayya¹¹, wherein while setting aside the order of the High Court quashing the FIR, it was observed:*

"16. *The power to quash an FIR vested in the High Court under Section 482 of the Criminal Procedure Code, 1973 (hereinafter referred to as "CrPC") is an extraordinary and discretionary power, which must be exercised sparingly and with great circumspection. This Court has consistently held that at the stage of considering a petition for quashing an FIR, the Court is not required to examine the merits of the allegations or to evaluate the evidence that may ultimately be led at trial. The sole and limited inquiry at this threshold stage is whether the allegations set out in the FIR, taken at their face value and accepted in their entirety as true, prima facie disclose the commission of a*



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cognizable offence against the accused. It is not permissible for the Court to conduct what amounts to a mini-trial by sifting through the evidence, assessing probabilities, or weighing the credibility of witnesses, for these are functions exclusively reserved for the court of trial.

17. In the present case, the High Court, in our considered opinion, has traversed beyond the permissible limits of its jurisdiction under Article 226 in exercising the power under Section 482 CrPC. Rather than confining itself ascertaining as to whether any prima facie case has been made out of commission of offence on the basis of the contents of the FIR, the High Court proceeded to examine the outcome of the trap proceedings, the absence of personal recovery from Respondent No. 1, the result of the phenolphthalein test, and the findings of a departmental enquiry against some of the accused, all of which are matters of evidence to be evaluated at the stage of trial. By undertaking such a detailed examination, the High Court has in effect conducted a mini-trial, which is fundamentally contrary to the settled principles governing the exercise of the quashing jurisdiction.

... ..

27. Mere demand or solicitation, therefore, by a public servant may amount to commission of an offence under Section 7 of the PC Act. The word 'attempt' is to imply no more than a mere solicitation, which, again, may be made as effectually in implicit or in explicit terms. This Court further observed therein that "actual exchange of a bribe is not an essential requirement to be prosecuted under this law" and that those public servants who do not take a bribe directly but through middlemen are equally made liable under the provisions of the PC Act, 1988. These observations, though rendered in the context of grant of anticipatory bail in a case involving offence under Section 7 of the PC act, firmly reflect the legislative policy pervading the PC Act that an



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attempt to obtain undue advantage whether for oneself or for another, and whether directly or through intermediaries is equally culpable under Section 7 read with Explanation 2 of the Act. The Respondent No. 1's implicit yet unmistakable direction to the Complainant to provide illegal gratification to his subordinate police officials as disclosed in the records thus falls squarely within the scope of "attempt to obtain" an "undue advantage" "for another person," as contemplated by Explanation 2(i) to Section 7 of the PC Act. The fact that the Respondent No. 1 may not personally have received or even intended to receive any part of the illegal gratification is entirely immaterial to the establishment of the offence at the stage of prima facie inquiry, by reason of the express statutory language of Explanation 2 to Section 7 of the PC Act."

(emphasis supplied)

14. In view of the above exposition, the observation of the High Court in the third impugned order, that the money was not paid directly to respondent no. 1, also cannot stand at the stage of prima facie evaluation of the FIRs.

15. Similarly, on the aspect of delay in lodging of the FIR, this Court in *Punit Beriwal v. State of NCT of Delhi*¹² observed:

"37. It is settled law that delay in registration of the FIR for offences punishable with imprisonment of more than three years cannot be the basis of interdicting a criminal investigation. The delay will assume importance only when the complainant fails to give a plausible explanation and whether the explanation is plausible or not, has to be decided by the Trial Court only after recording the evidence. In this context, the Supreme Court in *Skoda Auto Volkswagen (India) Private Limited v. State of Uttar Pradesh*, (2021) 5 SCC 795 : (2021) 3 SCC (Civ) 294 : (2021) 2 SCC (Cri) 709 has held, "The mere delay on the part of the third



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respondent complainant in lodging the complaint, cannot by itself be a ground to quash the FIR. The law is too well settled on this aspect to warrant any reference to precedents...."

(emphasis supplied)

16. Another observation of the High Court in the first impugned order, which is required to be addressed, is that the registration of certain FIRs in the instant case amounts to second FIRs for the very same offence, as earlier Crime No. 63 and 64 of 2020 stood registered under IPC sections on the same set of allegations. Upon a perusal of the contents of the FIRs, we are not inclined to accept this reasoning. We refer to the exposition of this Court in *State of Rajasthan v. Surendra Singh Rathore*¹³, wherein it was categorically observed that:

"10. The FIR prior in point of time refers to a particular incident and the action taken therein is limited. The second FIR pertains to the larger issue of widespread corruption in the concerned department and, therefore, is much larger in its scope than the previous FIR.

11. Quashing of the FIR would nip the investigation into such corruption, in the bud. The same would be against the interest of society."

17. Before parting with these appeals, we deem it appropriate to reiterate the observations made by this Court in *State of Chhattisgarh v. Aman Kumar Singh*¹⁴:

"50. Since there exists no magic wand as in fairy tales, a swish of which could wipe out greed, the constitutional courts owe a duty to the people of the nation to show zero tolerance to corruption and come down heavily against the perpetrators of the crime while at the same time saving those innocent public servants, who unfortunately get entangled by men of dubious conduct acting from behind the screen with ulterior motives and/or to achieve vested interests. The task, no doubt, is onerous but every effort ought to be made to achieve it by



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sifting the grain from the chaff. We leave the discussion here with the fervent hope of better times in future.

80. Having regard to what we have observed above in paras 47 to 50 (supra) and to maintain probity in the system of governance as well as to ensure that societal pollutants are weeded out at the earliest, it would be eminently desirable if the High Courts maintain a hands-off approach and not quash a first information report pertaining to "corruption" cases, specially at the stage of investigation, even though certain elements of strong-arm tactics of the ruling dispensation might be discernible. The considerations that could apply to quashing of first information reports pertaining to offences punishable under general penal statutes ex proprio vigore may not be applicable to a PC Act offence. Majorly, the proper course for the High Courts to follow, in cases under the PC Act, would be to permit the investigation to be taken to its logical conclusion and leave the aggrieved party to pursue the remedy made available by law at an appropriate stage. If at all interference in any case is considered necessary, the same should rest on the very special features of the case.

81. Although what would constitute the special features has necessarily to depend on the peculiar facts of each case, interference could be made in exceptional cases where the records reveal absolutely no material to support even a reasonable suspicion of a public servant having intentionally enriched himself illicitly during the period of his service and nothing other than mala fide is the basis for subjecting such servant to an investigation.

82. We quite appreciate that there could be cases of innocent public servants being entangled in investigations arising out of motivated complaints and the consequent mental agony, emotional pain and social stigma that they would have to encounter in the process, but this small price has



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to be paid if there is to be a society governed by the rule of law. While we do not intend to fetter the High Courts from intervening in appropriate cases, it is only just and proper to remind the courts to be careful, circumspect and cautious in quashing first information reports resting on mala fide of the nature alleged herein."

14. On careful reading of the above, parameters that would apply to quash the FIR pertaining to the offence under general penal statutes *ex proprio vigore* may not be applicable to the offence of Prevention of Corruption Act unless a very special feature is available in a case whereby it would warrant exercise of the power under Section 482 of Cr.P.C.

15. On careful reading of the complaint averments, no such very special feature is available in the case on hand which would warrant quashing of the FIR by resorting to inherent power vested in this Court us 482 of Cr.P.C.

16. On the contrary, complaint averments would clearly indicate that after receiving the bribe amount of Rs.20,000/- by petitioner No.1 and Rs.5,000/- by petitioner No.2, petitioner No.1 demanded further bribe of Rs.3,00,000/-. In fact bribe amount was sought to be negotiated by the complainant



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initially for Rs.1,00,000/- and thereafter for Rs.1,50,000/- and then to Rs.2,00,000/- which was not accepted by petitioner No.1.

17. *Thus, prima facie* material available on record is that the video of demand by respondent No.2 herein in his Samsung Mobile Telephone which was played to respondent No.1 and thereafter, complaint came to be registered and experimental mahazar has been conducted wherein 150 notes of Rs.2,000/- denominations were received from the hands of the complainant for trapping the petitioners herein.

18. However, there was a failed trap and therefore, offence under Section 7(a) of the Prevention of Corruption Act came to be registered against the petitioners.

19. Since nipping of the FIR would result in encouraging the people to demand for the money and if there is a failed trap, such people go scot-free cannot be lost sight of by this Court.

20. It is settled principles of law and requires no emphasis that the Courts are expected to have zero tolerance



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for the corruption and if allowed, this menace would become cancerous in nature.

21. Therefore, this Court is of the considered opinion that the grounds urged in the petition are hardly sufficient to quash the pending FIR.

22. Accordingly, following:

ORDER

Petition is ***dismissed***.

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

KAV
List No.: 1 SI No.: 37