



CNR: KAHC010739542024

NC: 2026:KHC:54352
WP No. 36206 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 36206 OF 2024 (GM-RES)

BETWEEN:

SRI. B.V. RAJA,
S/O. VENAKATARAMANAPPA,
AGED ABOUT 55 YEARS,
NO.425, 3RD FLOOR, 5TH BLOCK,
KHB COLONY, KORAMANGALA,
BENGALURU-560095.

...PETITIONER

(BY SRI. SOMASEKHARA K H, ADVOCATE)

AND:

THE STATE OF KARNATAKA.
BY KARNATAKA LOKAYUKTHA,
REPT. BY ITS REGISTRAR,
DR.B.R. AMBEDKAR VEEDHI,
BANGALORE-560 001.

...RESPONDENT

(BY SRI. LETHIF B, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CRIMINAL PROCEDURE CODE (SECTION 528 BNSS) PRAYING TO QUASH THE FIR IN CRIME NO.30/2024 DATED 18.07.2024 REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 13(1)(b) AND 13(2) OF PREVENTION AND CORRUPTION ACT 1988, AMENDED ACT 2018, AGAINST THE

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PADMANATHI
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Location: High
Court of
Karnataka



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PETITIONER PER ANNEXURE-B ON THE FILE OF THE 23RD CITY CIVIL AND SESSIONS JUDGE, BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Somasekhara K.H. and Sri.Lethif B, learned counsel for the parties.

2. Accused in Crime No.30/2024, for the offence under Section 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act (hereafter referred to as the 'Act' for short), pending on the file of 23rd Additional City Civil and Sessions Judge, Bengaluru, is the petitioner, challenging the very registration of the FIR.

3. Sri.Somasekhara K.H., learned counsel for the petitioner vehemently contented that there is a serious lapse in registration of the FIR inasmuch as without conducting the preliminary enquiry, permission to register the case and investigate has been granted by the Superintendent of Police



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and thus, has affected the rights of the petitioner and sought for allowing the petition.

4. Sri.Lethif B, learned counsel for the Lokayukta would contend that Statutory requirement as is found in Section 17 of the Act, as amended in the year 2018, would not contemplate a preliminary enquiry before according the permission to investigate the matter by the Superintendent of Police in respect of an offence under Section 13(1)(b) of the Act as amended in the year 2018.

5. He would further contend that the order passed by the Superintendent of Police authorising Sri.Shankarappa M, Police Inspector, Karnataka Lokayukta, is self-explanatory. In that regard, he invited the attention of this Court to the order passed by the Superintendent of Police, Karnataka Lokayukta, Bangalore City-2, dated 18.07.2024, marked as Annexure R1 along with the Statement of Objections.

6. This Court having heard the arguments of both sides, noted that there is a source report based on which, permission was sought for, for registering the case.



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7. Subsequently, as contemplated under Section 17 of the Act, Superintendent of Police has authorized Sri.Shankarappa M, the Police Inspector, to investigate the matter. Superintendent of Police has also noted that Police Inspector Sri.Shankarappa M, is working in Lokayukta for a period of 1 year 5 months. He had served the Police Department for a period of 14 years and he has got sufficient experience in investigating criminal cases not only under the Indian Penal Code but also under the Special Statutes.

8. Therefore, he found that Sri.Shankarappa M, is fit person to investigate the matter.

9. In order to appreciate the argument put forward on behalf of the petitioner, it is just and necessary to cull out Section 17 of the Act, which reads as under:

"17. Persons authorised to investigate.—

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), -no police officer below the rank,—

- (a) in the case of the Delhi Special Police Establishment, of an Inspector of Police;
- (b) in the metropolitan areas of Bombay, Calcutta, Madras and Ahmedabad and in any other metropolitan area notified as such under sub-section (1) of Section 8 of the



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Code of Criminal Procedure, 1973 (2 of 1974), of an Assistant Commissioner of Police;

- (c) elsewhere, of a Deputy Superintendent of Police or a police officer of equivalent rank,

shall investigate any offence punishable under this Act without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make any arrest therefor without a warrant:

Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make arrest therefor without a warrant:

Provided further that an offence referred to in [clause (b) of sub-section (1)] of Section 13 shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police."

10. On careful reading of the above provision, as is rightly contented on behalf of the Lokayukta by learned counsel Sri.B.Lethif that before according the permission to investigate the matter under Section 17 of the Act, nowhere a statutory requirement is found for conducting the preliminary enquiry.

11. Thus, what could be construed is, holding a preliminary enquiry is only a rule of prudence and not a



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statutory requirement, unlike sanction to prosecute a public servant as is contemplated under Section 19 of the Act.

12. Further, having regard to the nature of offence and language employed in Section 13(1)(b) of the Act, Investigation Officer is required to investigate that the petitioner herein has intentionally enriched himself by illicit means.

13. It is at that juncture, necessarily petitioner will have to be enquired by the Investigation Officer and information provided by the petitioner herein to the Investigation Officer shall be taken into account by the Investigation Officer before filing the charge sheet.

14. It is at that stage, petitioner is required to explain the alleged amassing of extra assets by explaining the sources for acquiring those assets. If the petitioner is successful in explaining the sources for acquiring those assets, which according to the prosecution is acquired by illicit means with an intention to enrich himself by the petitioner, then the Investigation Officer is required to file an appropriate report.



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15. Despite offering sufficient explanation, if the Investigation Officer files an adverse report, it is always open for the petitioner to challenge the same, in accordance with law.

16. Reserving such liberty for the petitioner, the following:

ORDER

[I] Petition is **dismissed**.

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