2025:PHHC:041500

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.38563 of 2018 (O&M)
Reserved on: March 10th, 2025
Pronounced on: March 20th, 2025

Adesh Kumar Gupta

… Petitioner

Versus

Central Bureau of Investigation & another

… Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Mr. Nitin Sachdeva &
Mr. Rajat Sheokand, Advocates for the petitioner.

Mr. Ravi Kamal Gupta, Advocate for the respondent/CBI.

<u>MANJARI NEHRU KAUL, J.</u>

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing of order dated 17.04.2018 (Annexure P-1) passed by SP, CBI Chandigarh and FIR/RC No.RCCHG2018A0010 dated 19.04.2018 (Annexure P-3) under Section 7 of the Prevention of Corruption Act, 1988 (hereinafter referred to as, 'the PC Act' of 'the Act') and Section 120-B of the IPC registered at Police Station CBI, ACB Chandigarh, along with all proceedings arising therefrom.

2. **BRIEF FACTS OF THE CASE OF THE PROSECUTION/CBI:**

(i) On 12.05.2017, BSNL, Sector 15-A, Faridabad, Haryana, issued a tender for the installation and maintenance of BSNL broadband services in the Faridabad district. The complainant, Ashok Kumar

Tomar, along with four others, applied for the tender, which was ultimately awarded on 29.07.2017 to M/s Creative Computer Service, Meerut, U.P. A formal agreement (No. FID/PIG-11/1237/2017-18) was executed on 13.10.2017 for a contractual period from 01.11.2017 to 31.10.2020, amounting to ₹1,84,95,000/-. The agreement was signed between the complainant and co-accused Kamal Kumar Mewani, AGM (Planning), BSNL.

(ii) During November 2017 to January 2018, the complainant submitted 32 bills totaling ₹7,99,877/- for payment, which were to be duly verified by the concerned SDOs and divisional engineers. However, on 17.04.2018, the complainant filed a complaint with the Superintendent of Police, CBI, ACB, Chandigarh, alleging that petitioner Adesh Kumar Gupta, Principal General Manager ,BSNL, had demanded a bribe of ₹51,000 (7% of the bill amount) through co-accused Kamal Kumar Mewani for clearing the bills. Allegedly, six out of the 32 bills, amounting to ₹98,813/-, were returned for resubmission and that Kamal Kumar Mewani explicitly warned the complainant that the pending bills would not be processed unless the bribe was paid.

(iii) The complaint was marked to SI Prabhjot Singh, CBI, ACB, Chandigarh, for verification. On 17.04.2018 and 18.04.2018, the SI, along with the complainant, visited the residence of Kamal Kumar Mewani, during which the complainant's conversation with him was recorded both in audio and video format on a 16GB memory card.

The verification process allegedly confirmed the demand of ₹45,000 by Adesh Kumar Gupta and Kamal Kumar Mewani. Consequently, SI Prabhjot Singh, in his verification report dated 19.04.2018, recommended the registration of a case under Section 120B IPC and Section 7 of the PC Act, 1988, against both accused. The developments were also communicated telephonically to the SP, CBI, Chandigarh, and the complainant was instructed to reach Police Lines, Faridabad, on 19.04.2018 at 11:00 AM.

(iv) On 19.04.2018, a trap was planned, and official witnesses from the FCI Faridabad, and the Central Excise Department, Faridabad, were called to join the CBI team for the proceedings. The pre-trap formalities commenced at 12:45 PM, during which the complainant was introduced to the independent witnesses and members of the CBI trap team. The purpose of the operation was explained to all present, and CBI, ACB, Chandigarh, registered a case—RCCHG2018A0010 dated 19.04.2018 under Section 120-B IPC and Section 7 of the PCA against Adesh Kumar Gupta and Kamal Kumar Mewani.

(v) The currency notes intended for the trap were treated with phenolphthalein powder and handed over to the complainant. After completing all necessary formalities, the trap team proceeded to the BSNL office, Sector 15-A, Faridabad, at approximately 3:40 PM. The operation was successfully executed when accused Adesh Kumar Gupta was intercepted while heading towards his official vehicle after receiving the bribe money. SI Prabhjot Singh directed him to stop, at which point Adesh Kumar Gupta requested the officer to accompany him to his cabin.

(vi) Simultaneously, DSP Shri R.S. Gunjiyal confronted accused Kamal Kumar Mewani regarding the demand and acceptance of the bribe on behalf of Adesh Kumar Gupta. Accused-Kamal Kumar Mewani admitted to the allegations and was immediately apprehended. To further substantiate the charge, a chemical test was conducted on the spot.

(vii) Upon being confronted, Adesh Kumar Gupta denied any involvement in the demand or acceptance of the bribe. However, accused Kamal Kumar Mewani disclosed that he had taken the bribe amount of ₹37,000 from his back left pant pocket and handed it over to Adesh Kumar Gupta, who accepted it with his right hand, counted the money, and placed it in his front right pant pocket. He further revealed that accused Shiv Shankar Verma, PRO (JTO), was present in Adesh Kumar Gupta's office at the time. Upon being asked by Adesh Kumar Gupta, Shiv Shankar Verma picked up the bribe money, covered it with a white face towel lying on the right side of the floor near Adesh Gupta's office chair, and threw it out of the toilet window.

(viii) Subsequently, CBI officials discovered the scattered currency notes on the ground, along with the white face towel. DSP R.S. Gunjiyal and the independent witnesses proceeded to the spot outside the BSNL office and recovered the bribe money. A chemical test was then conducted by preparing two separate solutions. The hands of the accused, as well as the pants of accused-Adesh Kumar Gupta and accused-Kamal Kumar Mewani, were washed in the solution, which turned pink, confirming the presence of phenolphthalein powder. The resulting pink solution was transferred into a clean glass quarter bottle, marked as 'RSPPW,' and signed by both independent witnesses.

(ix) Following the post-trap formalities, arrest-cum-personal search memos dated 19.04.2018 were prepared, and intimation of the arrests was sent to the families of the accused.

3. SUBMISSIONS ON BEHALF OF THE PETITIONER:

(i) Non compliance with the CBI Crime Manual

Learned senior counsel for the petitioner submitted that the petitioner, was a Central Government Officer of the rank equivalent to Joint Secretary. He was serving in the Indian Telecom Services as the Principal General Manager, BSNL, Faridabad and belonged to the Organized Group-A cadre drawing a salary of ₹1,93,800/- at the time of the alleged offence. Despite these facts, the CBI/respondents, in contravention of the provisions of the CBI Crime Manual, proceeded with the trap proceedings without obtaining the requisite approval from the Special Director.

While drawing the attention of this Court to Clause 6-A of the CBI Manual, learned senior counsel submitted that the Manual explicitly lays down procedural safeguards concerning anti-corruption cases, including offences under Section 7 and 13 of the Prevention of Corruption Act, 1988 (hereinafter referred to as, 'the PC Act'). He further contended that it is only the Director, CBI, who was competent to take action on a complaint, register an FIR, and verify its contents, particularly when the accused belonged to an Organized Group-A Category. However, in the present case, the CBI Director was neither consulted nor intimated about the complaint against the petitioner.

Learned senior counsel further contended that it is settled law that provisions and guidelines laid down in the CBI Manual must be strictly followed. In support of this argument, attention of this Court was drawn to Annexure R-1, wherein the CBI itself had conceded the binding nature of the Manual. However, in an attempt to justify its procedural lapses, the CBI/respondents had sought refuge under Clause 10.16 of the Manual, which provides that an FIR may be registered immediately if the complaint appears bona fide. This reliance, as per the learned senior counsel, was misplaced and contrary to law. In the said regard, learned senior counsel invited the attention of this Court to para 20, page 18, which is as under:

> *"20. That the relevant provisions of the CBI manual which have been flouted and violated by the Respondents are as under:*
> *"DIRECTOR, CBI--Matters to be shown to DCBI*
> *6.2 ANTI-CORRUPTION DIVISION*
> *6.2.1 Information, complaints, proposals for registration of cases, Final Reports and follow up action on results of trial and Departmental Action, including decision on verification of Source*

Information Reports/Complaints in the types of cases detailed in Annexure 6-A involving-

A. Group 'A' Government Servants in the pay scale of :

(a) Rs. 24,050-26,000

(b) Rs. 22,400-26,000

(c) Rs. 22,400-24,500

(d) Rs. 18,400-22,400"

While referring to Annexure P-2, learned senior counsel further submitted that there had been blatant violation of the statutory procedure, as the preliminary verification was conducted by Sub Inspector of CBI Prabhjot Singh, rather than by Director CBI, as mandated by law. Furthermore, the CBI failed to verify the authenticity and bona fides of the complainant before proceeding to register the FIR. No independent corroboration was carried out to assess the credibility of either the complaint or the complainant before initiating proceedings against the petitioner.

In support of his submissions, learned senior counsel placed reliance on **'Vineet Narayan vs. Union of India' AIR 1998 SC 889**, which underscores the importance of strict adherence to procedural guidelines in investigations pertaining to corruption cases.

(ii) Alleged trap: Demand, Acceptance, and Recovery

Learned senior counsel vehemently contended that the petitioner neither demanded nor accepted any illegal gratification and hence it was on the face of it a clear case of false implication.

While drawing the attention of this Court to the FIR registered in the year 2018, Annexed as Annexure P-3, learned senior counsel submitted that as per the case of the prosecution itself, there was no attribution qua the petitioner of having demanded any illegal gratification. Rather the alleged demand emanated from co-accused Kamal Kumar Mewani. This fact, learned senior counsel argued, was a matter of record and demonstrated that the petitioner had no role to play in the purported transaction.

Learned senior counsel further submitted that co-accused Kamal Kumar Mewani acted in concert with the complainant to fabricate a false case against the petitioner; their collusion, was evident from the circumstances surrounding the complaint. While drawing the attention of this Court to the verification report dated 19.04.2018 (Annexure P-2) submitted by the Superintendent of Police, learned senior counsel highlighted that even in the recorded conversations, the alleged demand was made solely by Kamal Kumar Mewani, Assistant General Manager. The absence of any direct demand by the petitioner further exonerated him from the charges levelled by the prosecution.

Therefore, at the very threshold, the prosecution failed to establish the essential ingredients of demand, acceptance and recovery, which are indispensable to prove an offence under Section 7 and 13 of the PC Act. He further emphasized that even the recovery of the alleged tainted money was not effected from the possession of the petitioner, but from an open space, thereby further weakening the case of the prosecution.

While drawing the attention of this Court to Annexure P-6, learned senior counsel submitted that the false implication of the petitioner was further corroborated by the fact that in the year 2018, the petitioner had initiated an enquiry against the complainant, Ashok Kumar Tomar, concerning forged and fabricated experience certificates. As a consequence of the said enquiry, two FIRs were registered against the complainant Ashok Kumar Tomar and his wife on 23.03.2018. Chargesheets in those cases were also presented. In support, learned senior counsel drew the attention of this Court to Annexures P-11 and P-12.

Learned senior counsel still further asserted that the complainant and co-accused Kamal Kumar Mewani conspired to falsely implicate the petitioner and this inference stood reinforced by the fact that co-accused Kamal Kumar Mewani was also named as an accused in the aforesaid FIRs, and his role had been proved through supplementary chargesheets filed by the Investigating Agency. Despite the evident hostility of the complainant towards the petitioner, the CBI failed to conduct any enquiry into his antecedents or ascertain whether any action had previously been taken against him. Such failure, rendered the entire investigation suspect.

(iii) **Sanction under Section 17A of the PC Act**

Learned senior counsel submitted that the entire investigation conducted by the CBI stood vitiated due to non-compliance with the statutory mandate of Section 17A of the PC Act. Learned senior counsel argued that the failure to obtain prior approval, as required under the said provision, rendered the proceedings illegal and void ab-initio.

(iv) **Jurisdictional overreach by the Special Judge, CBI**

Learned senior counsel still further also contended that the sanctioning authority had the exclusive jurisdiction to grant or withhold sanction, which was to be exercised independently and without any external influence. However, in the instant case, the learned Special Judge, CBI, exceeded its jurisdiction by directing the CBI to expedite the process of obtaining sanction. Such interference, was impermissible and legally unsustainable.

On a pointed query put to the learned senior counsel regarding whether a preliminary enquiry was mandatory in every case of corruption before registration of an FIR, he submitted that while a preliminary enquiry was not mandatory per-se, the CBI Manual was a binding document. However, given the background of enmity between the complainant and the petitioner, the CBI was duty bound to verify the bona fides of the complainant before proceeding with the registration of the FIR. Failure to do so further tainted the entire investigation.

4. **SUBMISSIONS ON BEHALF OF THE PROSECUTION/CBI**

(i) **Grave allegations of bribery supported by cogent evidence**:

Learned Standing counsel for the CBI submitted that the present case involved serious allegations of demand and acceptance of illegal gratification by public servants, substantiated by strong oral, documentary, and forensic evidence. It was contended that a complaint dated 17.04.2018 was lodged by Ashok Kumar Tomar, Proprietor of M/s Creative Computer Service, alleging that petitioner Adesh Kumar Gupta had demanded a bribe of ₹51,000/- through co-accused Kamal Kumar Mewani for processing the pending bills of the complainant's firm.

Upon receipt of the complaint, SI Prabhjot Singh of the CBI, ACB Chandigarh conducted a verification, which established the veracity of the allegations. Consequently, a trap was laid on 19.04.2018 at the BSNL Office, Faridabad. During the trap proceedings, co-accused Kamal Kumar Mewani was apprehended while accepting ₹44,000/- from the complainant in the presence of independent witnesses. Thereafter, out of the said amount, ₹37,000/- was handed over to the petitioner, Adesh Kumar Gupta, while ₹8,000/- was returned to the complainant. Both the accused including the petitioner were caught red-handed.

(ii) Attempt to conceal tainted money and its recovery:

Learned counsel further submitted that following the trap, petitioner Adesh Kumar Gupta made deliberate attempts to conceal the tainted money. After receiving ₹37,000/- from co-accused Kamal Kumar Mewani, he counted the cash with his right hand and placed it in the right pocket of his trousers. However, upon realizing that a trap had been executed, he removed the money, placed it on the floor, and covered it with a white face towel. Subsequently, acting on his instructions, co-accused Shiv Shanker Verma (JTO/PRO, BSNL) threw the bribe money along with the towel out of the window of the office toilet. The tainted money was later recovered pursuant to the disclosure made by Shiv Shanker Verma, in the presence of independent witnesses.

(iii) Forensic confirmation and pink hand-wash test:

It was further submitted that all prescribed forensic procedures were duly followed to corroborate the physical handling of the bribe money by petitioner. When his hands were washed in a colourless Sodium Carbonate Solution, the solution turned pink, confirming contact with phenolphthalein-laced currency notes. Similarly, the inner lining of the right pocket of the petitioner's trousers also turned pink upon immersion in the same solution.

Furthermore, CFSL New Delhi gave a report conclusively proving the presence of phenolphthalein in the handwash and the pocket-wash samples, thereby scientifically corroborating the handling of the tainted money by the petitioner.

(iv) Custodial arrest and recovery of bill file:

It was still further submitted that all the three accused persons-petitioner Adesh Kumar Gupta, Kamal Kumar Mewani and Shiv Shanker Verma-were arrested on 19.04.2018 at 10:30 p.m. after compliance with all legal formalities and were subsequently produced before the Special Judicial Magistrate, CBI, Panchkula.

Further, during the post-trap proceedings, the bill file pertaining to M/s Creative Computer Service (file No.1237FTD/Pig-11/B-1237/17-18) was recovered from the office of JP Singh, DGM (Planning), BSNL, Faridabad. In his statement recorded under Section 164 Cr.P.C., JP Singh categorically stated that the said bill file had been kept pending on the explicit directions of petitioner Adesh Kumar Gupta.

(v) Judicial Confession under Section 164 Cr.P.C.

Learned Standing counsel for the CBI further submitted that co-accused Shiv Shanker Verma voluntarily recorded a statement under Section 164 of Cr.P.C. before the Magistrate, wherein he expressly admitted to having disposed of the bribe money at the behest of petitioner Adesh Kumar Gupta. Likewise, in a separate statement recorded under Section 164 of Cr.P.C., JP Singh DGM (Planning), BSNL, unequivocally corroborated that the bill file in question had been withheld on the instructions of petitioner Adesh Kumar Gupta. These judicial confessions, recorded before a Magistrate, held substantial evidentiary value and lent significant support to the case of the prosecution.

(vi) Recovery of disproportionate assets

It was also contended that subsequent search operations conducted at the residential premises of petitioner Adesh Kumar Gupta led to the recovery of substantial assets, prima facie indicative of wealth disproportionate to known sources of income. A total sum of ₹42.68 lacs in cash was seized from his house, out of which ₹28,000/- was returned to his wife under proper acknowledgement. Additionally, gold, silver, and diamond jewelry, worth ₹1.83 crores, 4 bank locker keys, and various incriminating documents were recovered and duly seized.

It was also apprised that a separate FIR had been registered against petitioner Adesh Kumar Gupta and his wife (FIR No.RC0052022A0015 dated 28.04.2022, Police Station CBI, ACB, CHG, Chandigarh under Section 13(2) read with Section 13(1)(e) of the PC Act and Section 109 of the IPC) for possession of disproportionate assets, and the matter was under investigation.

(vii) No bar on filing charge-sheet without sanction/Cognizance not taken by the trial Court in absence of sanction:

Learned standing counsel submitted that, upon completion of a comprehensive investigation, a chargesheet was filed on 18.06.2018 under Sections 7, 12, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, Section 120-B IPC and Section 201 read with 511 of the IPC. The chargesheet was filed after obtaining the requisite sanction from the Additional Director, CBI, and contains an extensive compilation of oral, documentary, and scientific evidence. The matter is at the stage of consideration of charge.

(viii) Adherence to CBI Crime Manual and Legal Framework

It was still further asserted that the entire investigation, including the trap operation, was conducted strictly in accordance with the provisions of the CBI Crime Manual, particularly Chapter 10, Para 10.16, which specifically governed trap cases involving offences under Sections 7 and 13 of the PC Act.

It was also clarified that as per the said provision, upon receipt of a bona fide complaint alleging demand or acceptance of illegal gratification, an FIR must be registered forthwith, without subjecting the complainant to standard preliminary verification procedures applicable to other economic offences. In the present case, the complaint dated 17.04.2018 squarely attracted Sections 7 and 13 of the PC Act. Accordingly, FIR No.RCCHG2018A0010 was registered on 19.04.2018 under the written authorization of the Superintendent of Police, CBI, ACB, Chandigarh.

Furthermore, learned Standing counsel for the CBI submitted that the judgment relied upon by the learned counsel for the petitioner, **Vineet Narayan (supra)**, had no application to the facts of the present case. The said ruling dealt with systemic issues related to delayed action in sensitive matters. In contrast, the present matter involved a direct trap operation that was conducted expeditiously, transparently, and with procedural safeguards, strictly in line with the updated and applicable provisions of the CBI Criminal Manual. Therefore, the reliance on **Vineet Narayan's case (supra)** was wholly misplaced.

It was also further asserted that verification conducted prior to registration of the FIR was merely for the purpose of assessing the bona fides of the complaint and could not be construed to be an "investigation" within the meaning of Section 17A of PC Act. Verification of a complaint, even when conducted by an officer of the rank of Sub Inspector, was well within the scope of the Crime Manual and did not trigger the legal bar on investigation without prior sanction as contemplated under Section 17A of the PC Act.

It was still further emphasized that formal investigation began only after the registration of FIR, and all procedures, including trap, arrest, recovery, recording of statements, and forensic examination, were carried out in accordance with statutory mandates. Therefore, the plea of procedural irregularity or non-compliance with the CBI Manual raised by the learned senior counsel for the petitioner was devoid of merit and stood conclusively refuted by the facts and record of the case.

(ix) Inapplicability of Section 17(A) of the PC Act

It was contended that Section 17A of the PC Act, which mandated prior sanction for investigation into administrative decisions of public servants, was inapplicable to the present case. The provision was intended to safeguard honest public servants in respect of bona fide administrative decisions and did not extend to cases involving direct and deliberate acts of corruption. Since the instant case pertained to a trap operation, wherein clear and direct evidence of demand and acceptance of bribe had been recorded, the invocation of Section 17A of the PC Act was wholly misplaced.

(x) Petitioner's misplaced reliance on FIRs and third party entities

Learned Standing counsel for the CBI submitted that the reliance of the learned senior counsel for the petitioners on FIR No.40/2014 was misconceived, as the said FIR was quashed by the High Court on procedural grounds and was entirely unrelated to the present case. Additionally, the reference to M/s Apex Engineers, allegedly linked to the wife of the complainant, was irrelevant, as the allegations in the present case pertained solely to M/s Creative Computer Service.

Learned Standing counsel for the CBI thus concluded his submissions by submitting that the present case involved a meticulously executed trap, independent testimonies of witnesses, forensic evidence, and adherence to all procedural requirements under the Cr.P.C., the Prevention of Corruption Act, and the CBI Crime Manual. A strong prima facie case was made out against the petitioner, and therefore, it was urged that the present petition deserved outright rejection.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The primary contention of learned senior counsel for the petitioner was that the impugned FIR had been registered in contravention of the CBI Crime Manual. It was argued that as per Clause 6A of the Manual, only an officer of the rank of Special Director or Additional Director was competent to authorize registration of a Regular Case (RC) or Preliminary Enquiry (PE) in the Anti-Corruption Division. Learned senior counsel contended that the proceedings against the petitioner could not have been, therefore, initiated by the Superintendent of Police (SP), CBI, and that the FIR was vitiated due to lack of approval from the competent authority at the time of registration.

7. It is an undisputed fact that the verification of the complaint and subsequent registration of the FIR in the present case was ordered by an officer of the rank of Superintendent of Police, CBI. However, the chargesheet was ultimately presented before the court of competent jurisdiction only after obtaining the requisite approval from the competent authority, i.e. the Additional Director, CBI, for launching prosecution against the petitioner and other accused persons.

8. The argument that the FIR is liable to be quashed merely because prior approval was not obtained at the time of its registration, is legally untenable. The CBI Crime Manual, though a set of internal guidelines for procedural compliance, does not have the force of a statutory law. Any alleged non-compliance with its provisions, at best, constitutes an irregularity and not an illegality that goes to the root of the matter. The absence of prior approval at the stage of registration of the FIR does not vitiate the entire proceedings, particularly when the competent authority subsequently granted approval before the filing of the chargesheet. The Hon'ble Supreme Court has consistently held that violation of administrative guidelines cannot be a ground for quashing criminal proceedings unless they result in a breach of statutory provisions or cause manifest prejudice to the accused.

9. Additionally, learned senior counsel failed to cite any binding precedent from the Hon'ble Supreme Court wherein an FIR registered by the CBI had been quashed solely on the ground of non-compliance with the internal approval process under the CBI Manual.

10. Learned senior counsel for the petitioner further contended that in the absence of sanction under Section 19 of the PC Act, the entire proceedings stood vitiated. While it is a settled proposition of law that sanction is a condition precedent for taking cognizance of offences under the PC Act, it is equally well settled that the absence of sanction does not bar the Investigating Agency from filing a chargesheet before the competent Court. The statutory bar under Section 19 of the PC Act is on the court taking cognizance, not on the filing of the final report.

In the present case, the learned trial Court did not take cognizance of the offences based on the chargesheet filed by the CBI. Instead, it directed the prosecution to obtain and furnish a valid sanction before proceeding further. Thus, it cannot be said that cognizance was taken in the absence of a valid sanction. Furthermore, the mere supply of copies of the chargesheet to the accused in compliance with Section 207 Cr.P.C. does not amount to taking cognizance, particularly when there is nothing on record to suggest that the learned trial Court applied its judicial mind to the contents of the chargesheet for the purpose of proceeding with the trial.

11. It is pertinent to note that the sanction for prosecution was duly obtained on 14.09.2018. Therefore, the challenge to the proceedings on the ground of lack of sanction is devoid of merit.

12. Furthermore, the petitioner has sought to invoke the protection of Section 17A of the PC Act, as introduced by the 2018 amendment, which mandates prior approval for conducting an enquiry, inquiry or investigation against a public servant. However, this contention is misconceived, as the FIR in question was registered prior to the enforcement of the 2018 amendment. The Hon'ble Supreme Court has clarified time and again that Section 17A of the PC Act has no retrospective application.

13. Even otherwise, in cases involving trap proceedings, the provisions of Section 17A of the PC Act are not attracted. Further, there is no violation of Section 17A of the PC Act in the present case. The investigation commenced only after registration of the FIR, and the fact that the initial verification was conducted by an officer of the rank of Sub Inspector does not render the investigation illegal, particularly when the substantive investigation was carried out by an officer of the rank of DSP, as required under the law.

14. Learned senior counsel for the petitioner also vehemently argued that the petitioner has been falsely implicated and that his hand-wash turned pink only because the CBI officer shook hands with him on the stairs of his office, rather than as a result of his accepting any illegal gratification. However, this argument is rendered untenable by the fact that even the pocket-wash of the trousers of the petitioner turned pink, for which during the course of arguments before this Court, no satisfactory explanation was provided by the learned senior counsel for the petitioner.

15. The FIR in question contains specific allegations against the petitioner regarding the demand of bribe of ₹ 51,000/- through co-accused Kamal Kumar Mewani. As per the case of the prosecution, the bribe amount was accepted by the petitioner and the washes of his hands and trousers tested positive, a fact further prima facie corroborated by the CFSL report. Additionally, two prosecution witnesses recorded their statements under Section 164 Cr.P.C. allegedly implicating the petitioner.

16. While the learned senior counsel for the petitioner contended that he had been falsely implicated, this Court, in the exercise of its inherent jurisdiction under Section 482 Cr.P.C./528 of the BNSS cannot embark upon assessment of the truthfulness or veracity of the allegations at this stage. The Hon'ble Supreme Court has repeatedly held that the power under Section 482 Cr.P.C./528 of BNSS is to be exercised sparingly and only in cases where the allegations are manifestly absurd or inherently improbable. This Court is not expected to conduct a mini trial at this stage by analyzing evidence or testing the veracity of the case of the prosecution. The petitioner shall have ample opportunity to prove his innocence during the trial by leading evidence in his defence or by highlighting inconsistencies in the case of the prosecution. The trial Court is the appropriate forum for appreciating evidence and adjudicating upon the guilt or innocence of the accused.

17. In view of the foregoing discussion, this Court finds no merit in the present petition. The allegations against the petitioner, as reflected in the FIR and the material on record, cannot be said to be frivolous or baseless to warrant the quashing of the proceedings at the threshold. The learned senior counsel for the petitioner has failed to demonstrate any legal infirmity in the registration of the FIR in question or the subsequent proceedings that would justify exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C./528 of BNSS.

18. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 20th, 2025
rps/Puneet

Whether speaking/reasoned Yes

Whether reportable Yes