IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

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BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.4911 OF 2019

BETWEEN:

1. SRI. RAMALINGAIAH
S/O LATE SRI. HONNAIAH
AGEDA BOUT 44 YEARS
GEOLOGIST
DEPARTMENT OF MINES & GEOLOGY
RAMANAGARA
R/O JIGENAHALLI 3RD STAGE
NEAR PAVITRA SCHOOL
RAMANAGARA-583189.

...PETITIONER

(BY SRI. K.N. PHANIDRA, SENIOR COUNSEL FOR
SMT. VAISHALI HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA
ANTI CORRUPTION BUREAU
RAMANAGARA
RAMANAGARA DISTRICT-583189.

2. SRI. DINESH KALAHALLI
AGED MAJOR
SOCIAL ACTIVIST
R/O KALAHALLI POST
KANAKAPURA TALUK
RAMANAGARA DISTRICT-562117.

...RESPONDENTS

(BY SRI. B.B. PATIL, ADVOCATE FOR R1;
SRI. B.S. RAGHUPRASAD, ADVOCATE FOR R2)

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Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.09/2018 DATED 15.10.2018 ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA, VIDE ANNEXURE-A AND COMPLAINT DATED 02.05.2016.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.11.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

Heard learned Senior counsel for the petitioner, learned Special counsel for respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed invoking Section 482 of Cr.P.C. to quash the FIR in Crime No.9/2018 dated 15.10.2018 which is pending on the file of Principal District and Session Judge at Ramanagara vide Annexure-A and complaint dated 02.05.2016.

3. The factual matrix of case of respondent No.2-complainant vide Annexure-B complaint dated 02.05.2016 is that specific allegations are made in the petition that this petitioner has been working as a Geologist from 26.07.2013 in the office of the Deputy Director of Mines and Geology,

Department of Mines and Geology, Ramanagara. It is submitted that from 09.04.2015 to 02.09.2016 he had been working as In-charge Deputy Director of Mines and Geology, Ramanagara and he passed an order dated 14.01.2016, since the Office of the Director of Mines and Geology and the State Level Environment Impact Assessment Authority, Karnataka had granted approval to the quarrying plan and issued Environmental Clearance. Hence, an allegation is made against the petitioner that he had suppressed the material facts from State Level Environment Impact Assessment Authority (SEIAA) and granted permission in respect of Sy.No.205/2 to the extent of 3 acres for mining accepting bribe and caused loss to the State. Hence, invoked the offence under Section 420, 120(B) IPC read with Section 13(1)(c)(d) of Prevention of Corruption Act, 1988 ('the Act' for short). Hence, the present petition is filed before this Court.

4. The main contention of learned Senior counsel appearing for the petitioner is that petitioner is working as a Geologist in the office of the Deputy Director of Mines and Geology is not disputed and he had also been working as the In-charge Deputy Director of Mines and Geology, Ramanagara in between 09.04.2015 to 02.09.2016 is also not disputed. But,

the main contention of learned Senior counsel appearing for the petitioner before this Court is that Annexures-A and B i.e., FIR and the complaint is registered against the petitioner, who an innocent. It is contented that Annexures-G, H and F i.e., the order dated 14.01.2016 passed by the petitioner granting permission to Sri. H. A. Sardar Ahamed to recommence the quarrying operations and it does not attract the provisions of Section 13(1)(c)(d) of the Act. The said order was passed in good faith pursuant to quarrying plan approval order dated 09.11.2015 vide Annexure-F and so also, Environmental Clearance order dated 12.01.2016 vide Annexure-G. Hence, there cannot be any criminal prosecution against the petitioner. The Sanction order dated 01.10.2018 vide Annexure-C passed by the Director of Mines and Geology Department itself makes it clear that no loss has been caused to the State Government because of quarrying operation, consequent upon the order passed by this petitioner dated 14.01.2016. The counsel also would contend that the Sanctioning Authority specifically made it clear in the sanction order dated 01.10.2018 that no loss has been caused. Hence, registration of the case as per Annexure-A is bad in law. The counsel also vehemently contend that petitioner acted in a bonafide manner while passing the order

dated 14.01.2016 taking note of all the material available on record and he cannot be prosecuted.

5. The learned Senior counsel appearing for the petitioner also relied upon Annexure-M1 and Annexure-N that Sri H.A. Sardar Ahamed had filed W.P.No.37789/2016 challenging the endorsement dated 22.06.2016 and this Court granted interim order to continue the quarry operations and ultimately, the said writ petition was disposed of by the final order dated 31.05.2019, wherein an observation is made that Herandyapanhalli village is situated at a distance of more than 100 meters of Eco-Sensitive Zone of Bannerghatta National Park and the said distance is the safety distance prescribed and recommended by ESZ Expert Committee. Therefore, no fault can be found on the petitioner. The counsel also would contend that there is absolutely no material placed, except bad allegations to even reveal that petitioner herein was a part of SEIAA that he had furnished any information to SEIAA. The counsel referring these documents would vehemently contend that there cannot be continuation of criminal prosecution against the petitioner.

6. The learned Senior counsel appearing for the petitioner in support of his argument, he relies upon judgment of the Apex Court in **DALPAT SINGH AND ANOTHER vs. STATE OF RAJASTHAN** reported in **1968 SCC ONLINE SC 220** and brought to notice of this Court paragraph No.19, wherein discussion was made regarding essential ingredients of the offence of criminal misconduct under Section 5(1)(d) of the Prevention of Corruption Act that accused should be a public servant and if he, by corrupt or illegal means or by otherwise abusing his position as public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage and in the absence of these materials, there cannot be any prosecution.

7. The counsel also relies upon the judgment of the Apex Court in **R. SAI BHARATHI vs. J. JAYALALITHA AND OTHERS** reported in **(2004) 2 SCC 9** regarding Section 13(1)(d) of Prevention of Corruption Act and brought to notice of this Court paragraph Nos.32 to 35, wherein also reiterated the same and furthermore, under Section 13(1)(c) of the Prevention of Corruption Act, an accused cannot be said to have acted dishonestly or fraudulently, if there is no wrongful gain or wrongful loss.

8. The counsel also relies upon judgment of the Apex Court in **K.R. PURUSHOTHAMAN vs. STATE OF KERALA** reported in **(2005) 12 SCC 631** and brought to notice of this Court paragraph Nos.20 and 21, wherein the Apex Court held that for conviction under Section 13(1)(c) of the Prevention of Corruption Act, 1988, it is a necessary ingredient that misappropriated the property which was entrusted to or under the control of the accused. To attract Section 13(1)(d), there must be evidence on record proving that accused has obtained for himself or for any other person, any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position.

9. The counsel also relies upon judgment of the Apex Court in **C.K. JAFFER SHARIEF vs. STATE (THROUGH CBI)** reported in **(2013) 1 SCC 205** and brought to notice of this Court paragraph No.17, wherein it is held that dishonest intention is the gist of the offence under Section 13(1)(d) of the Prevention of Corruption Act. The counsel referring these judgments would vehemently contend that there cannot be criminal prosecution against the petitioner.

10. Per contra, learned Special counsel appearing for respondent No.1-State would vehemently contend that in the complaint, specific accusations are made against the petitioner that he had suppressed the documents while granting permission and the complainant, Annexure-B is specific and the Court has to look into the contents of complaint while exercising the power under Section 482 of Cr.P.C. It is settled law that while exercising the power under Section 482 of Cr.P.C. in respect of quashing of FIR, look into the contents of the complaint, if contents of the complaint does disclose committing of an offence, then allow the Investigating Officer to probe the truth.

11. The learned Special counsel for respondent No.1-State in support of his argument relies upon judgment of the Apex Court in **ACCAMMA SAM JACOB vs. STATE OF KARNATAKA AND ANOTHER** reported in **2026 SCC ONLINE SC 585** and particularly brought to notice of this Court paragraph No.54, wherein the Apex Court held that before the criminal law could be set into motion, Court has to take note whether material is there or not and if such an exercise was clearly beyond the permissible scope of scrutiny in a petition for quashing under Section 482 of Cr.P.C. and any such exercise at

the stage of Section 156(3) of Cr.P.C. would amount to conducting a mini-trial and would be wholly impermissible. The counsel would contend that scope of Section 482 of Cr.P.C. is very limited while quashing the FIR.

12. The counsel also relies upon judgment of the Apex Court in **SARANDA WILDLIFE SANCTUARY, IN RE vs. UNION OF INDIA AND OTHERS** reported in **(2026) 4 SCC 771,** wherein while discussing the matter in issue with regard to whether it comes within an area of one kilometer of the boundary of the protected areas will be hazardous for the wildlife, the counsel brought to notice of this Court paragraph No.104.1, wherein a direction was given and also brought to notice of this Court in paragraph No.104.2, the Apex Court reiterated the directions issued by this Court *vide* judgment and order dated 26.04.2023 passed in **T. N. GODAVARMAN THIRUMULPAD IN RE vs. UNION OF INDIA** reported in **(2025) 15 SCC 597,** particularly extracted paragraph Nos.60 and 65 that insofar as the restriction on mining is concerned, we are of the considered view that it has been the consistent view of this Court that the mining activities within an area of one kilometer of the boundary of the protected areas will be hazardous for the wildlife and modified the direction contained

in para 56.4 of the order dated 03.06.2022 in the judgment in **T. N. GODAVARMAN THIRUMULPAD, IN RE vs. UNION OF INDIA** reported in **(2022) 10 SCC 544** mining within the national park and wildlife sanctuary and within an area of one kilometer from the boundary of such national park and wildlife sanctuary shall not be permissible. The counsel referring this judgment would also vehemently contend that Investigating Officer has to investigate the matter whether it comes within the prohibited area and this Court cannot venture to quash the proceedings.

13. Having heard the respective counsel and also the principles laid down in the judgments referred supra, the points that would arise for consideration of this Court are:

(i) Whether the petitioner has made out the grounds to quash the proceedings initiated against the petitioner by exercising the power under Section 482 Cr.P.C.?

(ii) What order?

Point No.(i):

14. Having heard learned Senior counsel appearing for petitioner and learned Special Counsel for respondent No.1 and also looking into the contents of complaint, Annexure-B which

is the subject matter before this Court for quashing, it is settled law that Court has to look into the contents of complaint. Having perused Annexure-B-complaint dated 02.05.2016, specific allegation is made against this petitioner that he had indulged in passing an order permitting to do mining activities in respect of Sy.No.205/2. The allegation is not only made against this petitioner and also against the Deputy Director of Mines and Geology as well as Secretary, Department of Forest, Ecology and Environment. The Court has to take note that this petitioner is also arraigned as accused No.1 and specific allegation is made against this petitioner that he had suppressed material facts from SEIAA and permitted to do mining work and the same amounts to causing loss to the State and hence, invoked the offence under Section 420 of IPC and conspiracy under Section 120(B) read with Section 13(1)(c)(d) of the Act, since specific allegations are made that he had passed such order having accepted the bribe. When such specific allegations are made and the complaint does disclose committing of cognizable offence, it is the duty of the Investigating Officer, who is having investigating powers and domain to probe the truth.

15. The Apex Court also in the judgment in **DINESHBHAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS** reported in **(2018) 3 SCC 104** categorically held that while quashing FIR, the Court must look into contents of the complaint. If the complaint disclose committing of an offence, the Court should not venture to quash the FIR as held in paragraph No.30 of the judgment.

16. No doubt, learned Senior counsel appearing for the petitioner relied upon judgment of the Apex Court in ***Dalpat Singh's*** case, the Apex Court in the said judgment keeping in view Section 5(1)(d) of the Prevention of Corruption Act, wherein also stipulated conditions to proceed against the petitioner and the same is also subject to investigation and not at the stage of quashing FIR. No doubt, counsel relied upon judgment in ***R. Sai Bharathi's*** case referred supra, that is with regard to a public servant is said to commit the offence of criminal misconduct, if he by corrupt or illegal means, obtains for himself or for any other persons any valuable thing or pecuniary advantage and even in respect of Section 13(1)(c) accused cannot be said to have acted dishonestly or fraudulently, if there is no wrongful gain or wrongful loss and whether acted dishonestly or fraudulently and no wrongful gain

or wrongful loss cannot be decided at the time of registration of the case.

17. No doubt, the counsel also brought to notice of this Court judgment of the Apex Court in ***K.R. Purushothaman's*** case, wherein also discussed with regard to Section 13(1)(c) as well as Section 13(1)(d) and merely because the said offences are invoked, there cannot be any quashing and Investigating Officer has to probe the truth whether he had accepted pecuniary advantage by corrupt or illegal means while passing such an order and the other judgment in ***C.K. Jaffer Sharief's*** case also, the Apex Court invoked Section 13(1)(d) and whether he was having any dishonest intention or not while passing the impugned order has to be probed.

18. The learned Senior counsel appearing for the petitioner also not disputes the fact that an order has been passed, but only it is contended that the said order is passed with bonafide belief and acted in a bonafie manner while passing the order dated 14.01.2016 and whether with a bonafide intention or not also to be probed and there cannot be quashing of FIR at this stage and not disputing the fact that an order was passed on 14.01.2016. No doubt, learned counsel

also relies upon Annexures that writ petition was filed before the Court and order was passed and in the writ petition, an observation is made that the said village is situated at a distance of more than 100 meters of Eco-Sensitive Zone of Bannerghatta National Park and the said distance is the safety distance prescribed and recommended by ESZ Expert Committee and whether it is within the radius of 1 meter or not is also to be probed during the course of investigation and the judgments of the Apex Court which have been relied upon by learned Senior counsel appearing for the respondent is also to the said scope and also makes it clear that Section 482 of Cr.P.C. cannot be invoked and such exercise cannot be made when the case was registered for quashing of FIR. Hence, the Court has to take note of the principle laid down in the judgment in ***Saranda Wildlife Sanctuary's*** case, wherein the Apex Court in paragraph Nos.104.1 and 104.2 made it clear the said aspect of the matter. The Apex Court also in the judgment in ***Accamma Sam Jacob's*** case, the Apex Court held that the Court has to take note whether material is there or not and if such an exercise was clearly beyond the permissible scope of scrutiny in a petition for quashing under Section 482 of Cr.P.C. and any such exercise at the stage of Section 156(3) of Cr.P.C.

would amount to conducting a mini-trial and would be wholly impermissible.

19. In keeping the principles laid down in the judgments referred supra by learned counsel for the respondent, wherein also categorically held that scope of 482 of Cr.P.C. is very limited and the Courts should not venture to make such an exercise beyond the permissible scope of scrutiny in a petition for quashing under Section 482 of Cr.P.C. This Court also cannot presume that the said order passed by the petitioner is bonafide and it is a matter of investigation. When such being the case, I do not find any force in the contention of learned Senior counsel appearing for the petitioner that the judgments which have been relied upon by him are aptly applicable to the case on hand at this stage and the same requires investigation whether it is within the ingredients of Sections 13(1)(c) and 13(1)(d) of the Act and the same has to be probed and those judgments are also delivered interpreting those Sections on merits. Hence, those judgments will not come to the aid of learned Senior counsel appearing for the petitioner to quash the proceedings. Accordingly, I answer point No.(i) as 'negative'.

Point No.(ii):

20. In view of the discussion made above, I pass the following:

ORDER

The criminal petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

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