HC-KAR

NC: 2026:KHC:60673
CRL.P No. 8505 of 2024

CNR: KAHC010425592024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 8505 OF 2024

BETWEEN:

DR SHREEDHAR I BARKER
S/O ERAPPA,
AGED ABOUT 49 YEARS,
R/A #371, BHANSHANKARI
BHADAVANE, MAIN ROAD,
NEAR BHANASHANKARI PARK,
KHB COLONY, KELOGETE,
CHITRADURGA - 577 501

...PETITIONER

(BY SRI. N GOWTHAM RAGHUNATH, ADVOCATE)

AND:

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

1. KARNATAKA LOKAYUKTA
POLICE STATION
BD ROAD, CHITRADURGA-577501
REPRESENTED BY SPP
HIGH COURT, BENGALURU 560001

2. MR. A GUNDAPPA
S/O C ANJANEYA,
AGED ABOUT 38 YEARS,
R/A SRI MARUTHI NILAYA,
BEHIND NEW KEB, CHITRADURGA ROAD,
CHALLEKERE TOWN-577 501

...RESPONDENTS

(BY SRI. B.B. PATIL, SPL. P.P FOR R1)

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THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNNS) OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN SPL.C(PC) NO.2/2023 PENDING BEFORE THE LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA FOR OFFENCE P/US/ 7(a) PC ACT 1958, VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C seeking to quash the entire proceedings against the petitioner in Spl.C (PC) No.2/2023 pending on the file of learned Principal District and Sessions Judge and Special Judge, Chitradurga, arising out of FIR registered in Crime No.3/2021 by the 1st respondent - police for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988 (for brevity 'the PC Act').

2. The abridged facts of the case are that respondent No.2 - Gundappa, who was working as Panchayat Development Officer (PDO) at Grama Panchayath, Belagere, lodged a complaint against the petitioner, who was working as Executive Officer, Taluk Panchayat, Challakere, alleging that on

21.01.2021, in the presence of Administrator, a meeting was held and in the 14 Finance Project action plan, a project was prepared for an amount of Rs.7,71,292/- and it was sent for approval of CEO through Taluk Executive Officer, Challakere. The CEO, Chitradurga has approved the project and it was sent to Taluk Executive Officer i.e., the petitioner, who kept the file with him and did not forward it to the PDO, Grama Panchayath, Belagere, i.e., the complainant without any reason. As such, when respondent No.2 approached and requested the petitioner, he went on dodging the matter. However, on 26.02.2021, when respondent No.2 approached the petitioner, he demanded Rs.20,000/- for forwarding the approved project. Again on 06.03.2021, respondent No.2 requested the petitioner to forward the same, but the same went in vain. As such, since respondent No.2 was not willing to pay the bribe, he recorded the conversation between himself and the petitioner in his mobile and thereafter, lodged the complaint along with the recording of conversation.

3. On the strength of complaint, FIR in Crime No.3/2021 was registered. Later, on 12.03.2021, in the

presence of panchas, a pre-trap mahazar was drawn and accordingly, respondent No.2 visited the office of the petitioner and in front of the office of petitioner, respondent No.2 handed over the tainted currency notes to the tune of Rs.20,000/- to the petitioner, which was seized from the hands of the petitioner by the 1st respondent - police and thereafter the hands of the petitioner was washed with sodium carbonate solutions, which turned into pink colour and thereafter, the trap mahazar was drawn on 12.03.2021. Subsequently, the petitioner was arrested and produced before the Special Judge. Thereafter, the 1st respondent police investigated the case and laid charge sheet against the petitioner for the offence punishable under Section 7(a) of the PC Act. Accordingly, the learned Special Judge took cognizance of the offence. Aggrieved by the same, the petitioner has preferred this petition.

4. Heard the learned counsel for the petitioner and learned Special Counsel for Lokayuktha for the respondent.

5. Apart from urging several contentions, learned counsel for the petitioner, primarily contended that continuation

of the proceedings against the petitioner amounts to abuse of process of Court for the reason that the ingredients of Section 7(a) of the PC Act do not attract against the petitioner since the basic requirements under Section 7(a) of the PC Act i.e., the work pendency, the demand of the bribe amount and acceptance of the same are not met with in the instant case. According to him, the petitioner was not the concerned person in connection with the work of respondent No.2 as alleged by respondent No.2. He also contended that respondent No.2 handed over money to the petitioner in the guise of handing over medicine to the mother of respondent No.2. Additionally, he contended that mere acceptance of bribe amount does not attract the provision under Section 7(a) of the PC Act. The petitioner, being a doctor by profession, nowhere connected to the alleged trap and that respondent No.2 filed a complaint out of wrecking vengeance against him for the notices issued by the petitioner against respondent No.2. In such circumstances, he prays to allow the petition.

6. In order to buttress his arguments, learned counsel relied on the following judgments:

1. Banarsi Dass Vs. State of Haryana - (2010) 4 SCC 450;

2. Suraj Mal Vs. State - 1979 (4) SCC 725

3. Satyanarayana Murthy Vs. State of A.P. - (2015) 10 SCC 152;

4. N.Vijayakumar Vs. State of Tamil Nadu - AIR 2021 SC 766

5. Jayaraj Vs. State of A.P. - (2014) 13 SCC 55

6. M.R.Purshotham Vs. State of Karnataka - (2015) 3 SCC 247

7. *Per contra*, learned special counsel for Lokayuktha contended that now the charge sheet has been filed against the petitioner and the investigation material reveals prima face case against the petitioner, the proceedings cannot be quashed. Further, placing reliance on pre trap mahazar and the trap mahazar, he submitted that these documents clearly reveal the demand made by the petitioner i.e., a sum of Rs.20,000/- to respondent No.2 and the same was accepted by the petitioner and that the said tainted currency notes were recovered at the instance of the petitioner and subsequently, when the hands of the petitioner is washed with a sodium carbonate solution, the same was turned pink, which clearly

reveals the involvement of the petitioner in the crime. Further, the pre trap mahazar and trap mahazar witnesses clearly stated in their statement about the demand and acceptance of illegal gratification by the petitioner. In such circumstances, since prima facie case has been made out against the petitioner, the proceedings against the petitioner cannot be quashed at this stage that too when serious charges are leveled against him under the provisions of special statute i.e., the PC Act. Accordingly, he prays to dismiss the petition.

8. I have given my anxious consideration to the submissions of learned counsel for respective parties and perused the material on record.

9. A careful scrutiny of the complaint averments discloses that in the 14 Finance Project action plan, a project was prepared for an amount of Rs.7,71,292/- and it was sent for approval of CEO through Taluk Executive Officer, Challakere. The CEO, Chitradurga has approved the project and it was sent to Taluk Executive Officer i.e., the petitioner, who kept the file with him and did not forward it to the PDO, Grama Panchayath, Belagere, i.e., respondent No.2 without any

reason. As such, when respondent No.2 approached and requested the petitioner, he went on dodging the matter and rather, demanded illegal gratification of Rs.20,000/-. A perusal of telephonic conversation of the petitioner and respondent No.2 clearly reveals that there is clear demand made by the petitioner to the tune of Rs.20,000/-. The said demand is also forthcoming in the complaint and pre-trap mahazar and nevertheless, in the pre trap mahazar, the tainted currency notes was handed over by respondent No.2 to the petitioner and when the same was seized and the hands of respondent No.2 was washed with sodium carbonate solution, the same turned to pink, which prima facie establishes the demand and acceptance of illegal gratification by the petitioner. Further, it is the specific case of respondent No.2 that the project was approved by the CEO, Challakere and subsequently, the petitioner did not forward the same to the PDO i.e., the complainant. In such circumstances, it cannot be said no work was pending with the petitioner as contended by the learned counsel for the petitioner. As such, on careful scrutiny of the above evidence, it is clear that ingredients of Section 7(a) of

the PC Act attract against the petitioner. In the backdrop of all these material, charge sheet has to be tested in a detailed trial.

10. The Hon'ble Apex Court in the case of ***STATE BY LOKAYUKTHA POLICE Vs. K.RANGAYYA & ANOTHER*** - ***2026 SCC Online SC 963*** has held that mere demand or solicitation by a public servant amounts to commission of offence under Section 7 of PC Act and the same itself is sufficient to invoke the provision of Section 7(a) of the PC Act.

11. Further, the Hon'ble Supreme Court in case of ***State of Orissa and Another Vs. Saroj Kumar Sahoo,*** reported in ***(2005) 13 SCC 540***, held in paragraph Nos.8 and 9 as follows:

> *"8. Exercise of power under Section 482 of the Cr.P.C. in a case of this nature is the exception and not the rule. The Section does not confer any new powers on the High Court. It only saves the inherent power which the Court possessed before the enactment of the Cr.P.C. I envisages three circumstances under which the inherent jurisdiction may be exercised, namely, (i) to give effect to an order under the Cr.P.C., (ii) to prevent abuse of the process of court, and (iii) to otherwise secure the ends of justice. It is neither possible nor desirable to lay down any inflexible rule which would govern the exercise of inherent jurisdiction. No legislative enactment*

dealing with procedure can provide for all cases that may possibly arise. Courts, therefore, have inherent powers apart from express provisions of law which are necessary for proper discharge of functions and duties imposed upon them by law. That is the doctrine which finds expression in the section which merely recognizes and preserves inherent powers of the High Courts. All courts, whether civil or criminal possess, in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice on the principle "quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsae esse non potest" (when the law gives a person anything it gives him that without which it cannot exist). While exercising powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the report, the court may examine the question of fact. When a report is sought to be quashed, it is

permissible to look into the materials to assess what the report has alleged and whether any offence is made out even if the allegations are accepted in toto.

> *11. As noted above, the powers possessed by the High Court under Section 482 of the Cr.P.C. are very wide and the very plenitude of the power requires great caution in its exercise. Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court being the highest court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard and fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceeding at any stage. (See: Janata Dal v. H. S. Chowdhary, [1992] 4 SCC 305, and Raghubir Saran (Dr.) v. State of Bihar, AIR (1964) SC 1). It would not be proper for the High Court to analyse the case of the complainant in the light of all probabilities in order to determine whether a conviction would be sustainable and on such premises arrive at a conclusion that the proceedings are to be quashed. It would be erroneous to assess the material before it and*

conclude that the complaint cannot be proceeded with. When an information is lodged at the police station and an offence is registered, then the mala fides of the informant would be of secondary importance. It is the material collected during the investigation and evidence led in court which decides the fate of the accused person. The allegations of mala fides against the informant are of no consequence and cannot by themselves be the basis for quashing the proceedings. (See: Dhanalakshmi v. R. Prasanna Kumar, [1990] Supp SCC 686, State of Bihar v. P. P. Sharma, AIR (1996) SC 309, Rupan Deol Bajaj v. Kanwar Pal Singh Gill, [1995] 6 SCC 194, State of Kerala v. O.C. Kuttan, AIR (1999) SC 1044, State of U.P. v. O.P. Sharma, [1996] 7 SCC 705, Rashmi Kumar v. Mahesh Kumar Bhada, [1997] 2 SCC 397, Satvinder Kaur v. State (Govt. of NCT of Delhi, AIR (1996) SC 2983 and Rajesh Bajaj v. State NCT of Delhil, [1999] 3 SCC 259).

14. It is to be noted that the investigation was not complete and at that stage it was impermissible for the High Court to look into materials, the acceptability of which is essentially a matter for trial. While exercising jurisdiction under Section 482 of the Cr.P.C., it is not permissible for the Court to act as if it was a trial Court. Even when charge is framed at that stage, the Court has to only prima facie be satisfied about existence of sufficient ground for proceeding against the accused. For that limited purpose, the Court can evaluate material and

> *documents on records but it cannot appreciate evidence. The Court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused. In Chand Dhawan (Smt.) v. Jawahar Lal and Ors., [1992] 3 SCC 317, it was observed that when the materials relied upon by a party are required to be proved, no inference can be drawn on the basis of those materials to conclude the complaint to be unacceptable. The Court should not act on annexures to the petitions under Section 482 of the Cr.P.C., which cannot be termed as evidence without being tested and proved." (Emphasis supplied)*
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> *9. The above decisions of the Hon'ble Supreme Court make it abundantly clear that the Courts should be slow in exercising the power under Section 482 of Cr.P.C. especially where serious allegations of Corruption by public servants are made."*

12. In the instant case, as discussed supra, the primary ingredients of the offences punishable under Sections 7(a) of P.C. Act are made out by the prosecution against the petitioner. The question as to whether the complaint is motivated by mala fides is itself a matter of evidence and trial and this Court cannot conduct a mini trial, at this stage. On an entire perusal of charge sheet materials especially in light of the presence of

recordings of conversation between the petitioner and respondent No.2 and in view of the ratio laid down in the aforesaid judgments, which observed that the Courts should be slow in exercising the power under Section 482 of Cr.P.C. especially where serious allegations of corruption by public servants are made, I am of the view that, continuation of criminal proceedings against the petitioner will not amount to abuse of process of Court. Hence, without expressing any opinion on the merits of the case, the petition is ***dismissed***.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 2 Sl No.: 5