HC-KAR
NC: 2026:KHC:62165
CRL.P No. 10388 of 2024
CNR: KAHC010533932024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.10388 OF 2024

BETWEEN:

YOGANAND
S/O LATE PUTTASWAMY GOWDA
AGED ABOUT 41 YEARS,
OCC:- OFFICE SUPERVISOR
BESCOM SUB-DIVISION, KUDUR
MAGADI TQ - 562 210

PRESENTLY WORKING AT:
OCC:- LINEMAN,
MACHOHALLI, BESCOM-2
TAVARAKERE,
MAGADI TQ - 562120
BENGALURU RURAL DIST.

...PETITIONER

(BY SRI. NATARAJ G., ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE BY LOKAYUKTA POLICE
RAMANAGARA 562159.
REPRESENTED BY SPL. PUBLIC PROSECUTOR
KARNATAKA LOKAYUKTHA
M.S.BUILDING
BENGALURU - 560 001.

2. PURUSHOTHAMA G
S/O B.V.GOVINDARAJU
AGED ABOUT 23 YEARS
OCC: AGRICULTURIST
R/AT: BESTARAPALYA
MANNIGANAHALLI (POST)
KUDUR, MAGADI TQ
RAMANAGARA DIST. - 562 120.

…RESPONDENTS

(BY SRI. B.B. PATIL, ADVOCATE FOR R-1;
R-2 SD BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN CRIME NO.3/2024 BEING REGISTERED BY THE LOKAYUKTHA POLICE STATION, RAMANAGARA AND PENDING ON THE FILE OF DISTRICT AND SESSIONS JUDGE, AT RAMANAGARA FOR THE OFFENCE PUNISAHBLE U/S 7(a) OF THE PREVENTION OF CORRUPTION ACT, 1988.

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

CNR: KAHC010533932024

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the FIR against the petitioner/accused in Crime No.3/2024 dated 05.04.2024 registered by Lokayuktha Police Station, Ramanagara for the offences punishable under Section 7(a) of Prevention of Corruption Act, 1988, on the file of Principal District and Sessions Judge, Ramanagar.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 05.04.2024, alleging that the petitioner herein was working as In-charge Supervisor at BESCOM branch at Kudur. It is alleged in the complaint that, in respect of a transformer situated at Bestharapalya Village, respondent No.2 had submitted a complaint to the Assistant Executive Engineer, Kudur, on 01.04.2024, and had also approached the Assistant Engineer, namely, Siddeshwara, seeking replacement of the said transformer. The Assistant Engineer, in turn, informed the complainant to approach the Supervisor of Kudur branch in that

regard. Accordingly, the complainant approached the petitioner, who allegedly informed him that it would take about six months to replace the transformer. It is further alleged that, after much persuasion, the petitioner demanded illegal gratification of Rs.6,000/- and subsequently negotiated the amount to Rs.4,000/- for ensuring immediate replacement of the transformer. Since respondent No.2 was not willing to pay the said amount, he lodged a complaint before respondent No.1-Lokayuktha Police.

3. Based on the said complaint, respondent No.1 registered a case in Crime No.3/2024 dated 05.04.2024 against the petitioner for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988. Subsequently, respondent No.1 conducted a pre-trap mahazar on 05.04.2024. It is further alleged that the tainted currency notes were seized at the instance of the petitioner and the chemical analysis test conducted thereafter yielded a positive result. Consequently, the amount was seized and the petitioner was arrested. Aggrieved by the registration of the aforesaid crime and the proceedings initiated pursuant thereto, the petitioner has

approached this Court seeking quashing of the FIR and all further proceedings arising therefrom.

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

5. The primary contention of the learned counsel for the petitioner is that the essential ingredients of the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988, are not attracted in the present case, as there was neither any demand nor acceptance of illegal gratification by the petitioner, and no official work of respondent No.2 was pending before him. According to the learned counsel, even as per the averments made in the complaint, the work relating to replacement of the transformer was pending before the Assistant Executive Engineer of BESCOM, before whom respondent No.2 had submitted a representation. It is contended that the petitioner was in no way connected with the decision-making process concerning replacement of the transformer and, therefore, the alleged demand of illegal gratification cannot be attributed to him in the discharge of his

official duties. He would further contend that the call register produced along with the pre-trap mahazar does not disclose any clear demand of illegal gratification by the petitioner. On these grounds, he prays to allow the petition.

6. This prayer is opposed by the learned Special counsel appearing for the Lokayukta. At the outset, he submits that the investigation is still at a nascent stage and the respondent-Police are yet to complete the investigation and submit the final report. He further contends that, on a *prima facie* perusal of the complaint and the pre-trap mahazar, there are clear allegations of demand and acceptance of illegal gratification by the petitioner. According to him, the complainant had handed over an amount of Rs.4,000/- to the petitioner, which was duly accepted by the petitioner. Thereafter, the hands of the petitioner were washed in sodium carbonate solution, which turned pink in colour, and the tainted currency notes were recovered at the instance of the petitioner. In such circumstances, the learned Special counsel contends that a *prima facie* case is made out against the petitioner. By placing reliance on the judgment of the Hon'ble Apex Court in the case

of ***STATE BY LOKAYUKTHA POLICE vs. K. RANGAYYA AND ANOTHER*** reported in ***2026 SCC OnLine SC 963*** he submits that the allegations *prima facie* disclose demand and acceptance of illegal gratification and that the ingredients of Section 7(a) of the Prevention of Corruption Act, 1988, are attracted. Therefore, the FIR and further proceedings arising therefrom cannot be quashed at this stage. Accordingly, he prays to dismiss the petition.

7. I have given my anxious consideration both on the submission and perused of the entire materials available on record.

8. As could be gathered from the averments made in the complaint, the complainant has specifically stated that, in connection with the replacement of the transformer, he had initially approached the Executive Engineer and the Assistant Executive Engineer. In turn, the Assistant Executive Engineer directed him to approach the petitioner, who was working as the In-charge Supervisor of the concerned division. Accordingly, the complainant approached the petitioner, who initially demanded an amount of Rs.6,000/- and, upon

negotiation, agreed to accept Rs.4,000/- as illegal gratification for getting the complainant's work done. Accordingly, the complaint came to be lodged. Subsequently, the telephone conversation between the petitioner and respondent No.2 was recorded, which *prima facie* indicates that the petitioner demanded illegal gratification of Rs.4,000/- and that respondent No.2 agreed to pay the same.

9. Further, the pre-trap mahazar discloses that, in the presence of the panch witnesses, the complainant was handed over the tainted currency notes of Rs.4,000/- after applying phenolphthalein powder to the same. Thereafter, the trap proceedings were conducted, and the trap mahazar reveals that, upon the demand made by the petitioner, respondent No.2 handed over the said amount to him. Immediately thereafter, respondent No.2 gave the pre-arranged signal to the Lokayukta Police, who conducted the raid. During the proceedings, the hands of the petitioner were washed in sodium carbonate solution, which turned to pink in colour, and the tainted currency notes were subsequently recovered. These circumstances, when considered cumulatively, *prima facie*

disclose the demand and acceptance of illegal gratification by the petitioner. Further the Hon'ble Apex Court in the case of ***STATE BY LOKAYUKTHA POLICE V. K. RANGAYYA AND ANOTHER*** - ***2026 SCC OnLine SC 963*** wherein, at paragraphs 18 to 22, the Hon'ble Apex Court has held as follows:

> ***"18****. In order to appreciate the contention of the Appellant, it is necessary to advert to the relevant provisions of the PC Act. Section 7(a) of the PC Act reads as follows:*
>
> > *"7.* ***Offence relating to public servant being bribed****.—Any public servant who,— (a) obtains or accepts or attempts to obtain from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant"*
>
> *Section 7 is further clarified by Explanation 2, which provides that,*
>
> > *"****Explanation 2****.—For the purpose of this section,—*

(i) the expressions "obtains" or "accepts" or "attempts to obtain" shall cover cases where a person being a public servant, obtains or "accepts" or attempts to obtain, any undue advantage for himself or for another person, by abusing his position as a public servant or by using his personal influence over another public servant; or by any other corrupt or illegal means; (ii) it shall be immaterial whether such person being a public servant obtains or accepts, or attempts to obtain the undue advantage directly or through a third party.

***19**. As we proceed to examine the issue at hand, it would be necessary ascertain the ingredients of Section 7(a) of the PC Act under which the Respondent No.1 has been charged.*

When we split Section 7(a) of the PC Act, it consists of the following parts:

(i) The charged person must be a public servant;

(ii) Such a public servant should be charged of obtaining or accepting or attempting to obtain an undue advantage;

(iii) from any person;

(iv) with the intention to

(a) perform or cause performance of public duty;

(b) improperly or dishonestly or to forbear or cause forbearance to perform such duty;

(v) such act of performance or forbearance is to be done either

(a) by himself; or

(b) by another public servant.

If the aforesaid parts or ingredients are disclosed, such a public servant can be charged of committing offence contemplated under Section 7(a) of the PC Act.

***20**. Reading of Section 7(a) of the PC Act, however, would indicate that it will apply when the public servant himself obtains or accepts or attempts to obtain the undue advantage, by doing such acts with the intention as mentioned in the aforesaid Clause (a).*

However, it appears that the Explanation 2(i) to Section 7 has enlarged the scope of the offence by not restricting the beneficiaries to the public servant himself only but to "another

person" also. Explanation 2 (i) to Section 7 expands the scope of the beneficiaries by not confining only to the public servant who obtains, accepts or attempts to obtain an undue advantage, but also in favour of "another person" who may or may not be a "public servant" as there is no qualification to the words "another person". Thus, Explanation 2(i) clearly mentions that for the purpose of Section 7, the expressions "obtains" or "accepts" or "attempts to obtain" shall cover cases where a person being a public servant, obtains or accepts or attempts to obtain, any undue advantage for himself or for another person, by abusing his position as a public servant or by using his personal influence over another public servant; or by any other corrupt or illegal means.

Further, Explanation 2(ii) provides that it shall be immaterial whether such person being a public servant obtains or accepts, or attempts to obtain the undue advantage directly or through a third party.

***21**. Therefore, it is clear from Section 7(a) read with Explanation 2(i) that it is not necessary that the public servant himself has to obtain or*

accept or attempt to obtain undue advantage for himself only, but such undue advantage can be obtained or accepted or attempted to be obtained for "another person" also.

Further, as per Explanation 2(i) such obtaining/accepting/attempting to obtain undue advantages can be by way of abusing the position of public servant himself but also by using the personal influence over "another public servant". Therefore, Explanation 2 clearly provides that the aforesaid act of performing the public duty improperly/dishonestly or refraining to perform the public duty can be by himself or by another public servant by using influence by the concerned public servant.

***22**. Thus, such an offending act can be done by "another public servant" also under the personal influence of the concerned public servant. What we, therefore, understand from the reading of Section 7 (a) of the PC Act read with Explanation 2, is that, it is not necessary that the public servant who has been charged of the offence under Section 7 of the PC Act has to obtain the undue benefit for himself, but it also covers cases where he does the*

offensive act for obtaining undue advantages for "another person", and this act may be done by himself by abusing his position, or may be executed through another public servant by using his personal influence over the other public servant.

Therefore, in the light of the above provision, a public servant may not be directly a recipient or the executor of the offensive act and thus, may not be in the limelight and remain in the background. Nevertheless, he can be instrumental in ensuring obtaining, accepting or attempting to obtain from another person the undue advantage for "another person" by taking the help of "another public servant". Such public servant who has been charged of offence under Section 7(a) may be the main instrumentality, through whom undue advantage is obtained and/or arranged through other public servant.

Keeping the aforesaid broad scope of Section 7(a) read with Explanation 2, we must consider the issue on hand."

10. The Hon'ble Apex Court in the case of ***Anil Bhavarlal Jain and Another vs. State of Maharashtra and Others in***

Special Leave Petition (Crl.)No.10078/2023 and 12776/2023 held that, in a case registered under the special statute i.e., P.C. Act, quashing of the offences under the said act would have a grave and substantial impact not just on the parties involved, but also on the society at large.

11. Further, the Hon'ble Apex 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)*
>
> *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. Having regard to the fact that the allegations in the present case arise under a special statute, namely, the Prevention of Corruption Act, 1988, this Court is of the considered view that the proceedings cannot be quashed at the threshold and that the Court must be slow in exercising its jurisdiction under Section 482 of Cr.P.C. to interfere with the investigation in such matters. In view of the principles laid down by the Hon'ble Apex Court in the judgment referred to *supra* and having regard to the *prima facie* materials available on record against the petitioner, I am of the considered opinion that this is not a fit case to quash the FIR at this stage.

Accordingly, the petition is ***dismissed***.

It is made clear that the observations made herein shall not influence or prejudice the proceedings before the Trial Court.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 2 Sl No.: 4