



S. No. 2026/JKLHC-JMU:2593

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No.2788/2022

CM Nos. 7754 & 7807/2022,
4537/2023, 6344, 2152 & 5201/2024
& 4525/2026

Reserved on: 24.07.2026

Pronounced on: 12.08.2026

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Operative part or Full judgment: Full

Rohit Sharma (Aged 38 years)
S/O Sh. Ashok Kumar
R/O 55-F, Lower Shiv Nagar,
Behind AG Office, Jammu

.....Petitioner(s)

Through: Mr. Sunil Sethi, Sr. Adv with
Mr. Parimoksh Seth, Advocate.

Vs

- 1. Union Territory of Jammu and Kashmir**
through Chief Secretary,
Civil Secretariat, Jammu/Srinagar.
- 2. Financial Commissioner,**
Home Department
Civil Secretariat, Jammu
- 3. Director General,**
Jammu & Kashmir Police,
Police Headquarters, Jammu/Srinagar.
- 4. Director, Anti-Corruption Bureau,**
J&K, Jammu
- 5. Sr. Superintendent of Police,**
Anti-Corruption Bureau, Jammu.
- 6. Incharge, Anti Corruption Bureau,**
Rajouri.
- 7. Sh. Dalip Kumar,**
Sr. Superintendent of Police,
Anti-Corruption Bureau,
Jammu Range, Jammu.
- 8. Sh. Joginder Singh,**
Sr. Superintendent of Police,
Anti-Corruption Bureau, PR Range.
- 9. Sh. Sunny Gupta,**
Dy. Superintendent of Police,
Anti-Corruption Bureau, PR Range.
- 10. Sh. Jatinder Raina, Inspector,**
Anti-Corruption Bureau, PR Range.



11. Sh. Raj Kumar Dhar, Inspector,
Anti-Corruption Bureau, PR range.
12. Sh. Shamim Bhat, Inspector,
Anti-Corruption Bureau, PR Range.
13. Sominder Singh @ Sourav
S/O Darshan Singh
R/O Village Nari, Tehsil R S Pura.
14. Central Bureau of Investigation
Anveshan Bhawan, Rail Head Complex,
Panama Chowk, Jammu-180012.

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, AC for R-1 to 12
Mr. P N Raina, Sr. Adv with
Mr. J A Hamal, Advocate for R-8&9.
Mr. D. S. Saini, Advocate for R-13.
Mrs. Monika Kohli, Sr. Adv. with
Ms. Nazia Fazal, AC for R-14.

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

JUDGMENT

01. Petitioner, a Tehsildar born on the cadre of J&K Administrative Services, found to be involved in corrupt practice, on the basis of a trap laid by Anti-corruption Bureau (ACB) of J&K, regarding which a case was registered vide FIR No.02/2022 dated 14.11.2022, U/S 7 of Prevention of Corruption Act (for short 'P.C. Act'), through the medium of this petition, under Article 226 of the Constitution of India, has prayed for the following reliefs:-

- i) ***An appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to constitute a Special Investigating Team (SIT) consisting of officers of undisputed reputation, honesty and professional brilliance to be headed by an officer not below the rank of Dy. Inspector General of Police for investigating a highly dramatized, false and fabricated trap case made by police officers of Anti-Corruption***



Bureau in which petitioner has been wrongly and falsely implicated;

- ii) An appropriate writ, order or direction in the nature of mandamus directing respondent Nos.1 to 3 to immediately seize the electronic devices/records of CCTV installed in the premises where the office of Tehsildar, Bahu, Jammu is located and which is in possession of owner of the building and sent the same for evaluation by Central Forensic Science Laboratory and for production of the FSL report before this court in a sealed cover; and*
- iii) An appropriate writ, order or direction in the nature of writ of certiorari quashing FIR No. 02/2022 dated 14.11.2022 registered with Police Station, Anti-Corruption Bureau, Rajouri (Camp Jammu) under Section 7 of the Prevention of Corruption Act, 1988 against the petitioner.*

02. Brief facts of the case are that a written complaint was received by ACB Rajouri (Camp Jammu) on 01.11.2022 from one-Saminder Singh @ Sourav regarding demand of bribe of Rs.2.00 lakh, from him by Tehsildar Bahu namely Rohit Sharma, (petitioner herein), in lieu of issuance of a *fard intikhab* in the name of complainant's mother Kuldeep Kour; that the complainant, not ready and willing to pay the bribe to the petitioner, approached the ACB for taking necessary action into the matter; that the allegation of demand of bribe was verified by respondent No.8, through an officer of the ACB, who perused the voice recording of conversation held between the complainant and the petitioner and submitted his report on 14.11.2022, and based on the complaint and report of verifying officer, prima facie, commission of offence punishable u/s 7 of Prevention of Corruption Act 1988, was found made out against the petitioner and accordingly, formal case FIR was lodged and the investigation



was entrusted to respondent No.9, who was also nominated as the trap laying officer (TLO); that a trap team was constituted, which after completing the pre-trap proceedings laid a trap in presence of independent witnesses in Tehsil Office Bahu, Jammu on 14.11.2022, and caught the petitioner red handed alongwith the bribe amount of Rs.50,000/-, that the petitioner was formally arrested and lodged in P/S Pacca Danga, Jammu; that search of the residential house of the petitioner was also conducted; that the accused was admitted to bail by this court vide order dated 21.11.2022; that the investigation of the case, which was initially registered at P/S ACB PR (Camp Jammu) was thereafter transferred to P/S ACB JSK Range by the ACB Hqrs, however, later Govt. of J&K vide its order No. GAD-VIGOSP/7/2023-04-GAD dated 18.01.2023 transferred the investigation of the case from ACB to Central Bureau of Investigation (CBI), Jammu.

GROUND OF CHALLENGE

03. In the aforesaid backdrop of the case, the petitioner has approached this court seeking the reliefs as prayed for, on the following grounds:

- (i) *That the impugned FIR lodged against the petitioner has no sanctity in the eyes of law as well as under the Code of Criminal Procedure;*
- (ii) *That ACB, Rajouri Poonch Range does not have jurisdiction to register the complaint or lodge FIR in the matter when neither the complainant belongs to District Rajouri nor the petitioner was serving in District Rajouri or District Poonch;*
- (iii) *That the investigation in FIR No.02/2022 dated 14.11.2022 registered with Police Station Anti-Corruption Bureau, Rajouri (Camp Jammu) being carried out by the respondent is totally a*



sham investigation just to punish the petitioner in a highly motivated trap case;

- (iv) That the CCTV camera footage, which is in the public domain, clearly indicates that the whole trap was a farce as the trap was laid down only to falsely implicate the petitioner; and*
- (v) that to avenge from petitioner, the impugned FIR is lodged, which does not sustain in the eye of law and requires to be quashed.*

REPLY/OBJECTIONS

04. In the objections filed by respondents no.1 to 12, it is contended that the petition is non maintainable as the same is against the provisions of Criminal Procedure Code; that the petition has been filed with mala fide intentions; that the petitioner has been caught red handed while demanding and accepting bribe from complainant for issuance of revenue extracts; that the impugned FIR was registered after verifying the allegations of complaint through verifying officer regarding demand of bribe by accused/petitioner; that the petitioner has not approached the court with clean hands as there is suppression and concealment of material facts; that the petitioner has raised various disputed questions of facts, which cannot be adjudicated in the instant petition; that the ACB has proceeded strictly in accordance with law and there is no abuse of any process of law; that the allegations mentioned in the complaint and subsequent preliminary pre-trap verification do, *prima facie*, established a case of demand of bribe in lieu of issuance of the revenue extract from the complainant and thus constituted an offence under the provisions of J&K PC Act, 2006 against the petitioner; that the petition is completely devoid of any merit and substance; that the allegations leveled against ACB for its connivance with the complainant to falsely implicate



him are bald and farce allegations; that there is no truth in the assertions made by the petitioner against the ACB; that the CBI has also found commission of alleged offences against the petitioner, which has vindicated the stand of ACB; that all the factual and legal grounds raised by the petitioner can be raised before the Trial Court; that the petitioner cannot ask for changing the Investigating Agency or do investigation in the particular manner including for court monitored investigation. Finally, it is prayed that instant petition be dismissed in the interest of justice.

05. In his reply/objections, respondent No.13-complainant, has contended that the investigation in FIR No.02/2022 registered with Police Station, Anti Corruption Bureau, Rajouri (Camp Jammu) against the petitioner has been transferred to the Central Bureau of Investigation and the Agency has conducted a fair investigation, which does not call for any interference by this court; that the petitioner has levelled false allegations against the complainant that he has forged the signatures of the Deputy Commissioner regarding attestation of mutation for land measuring 26 kanals 11 marlas comprising of khasra No.6, situate at Bahu Rakh Narwal, Jammu, however, forensic analysis of forged signatures and that of the complainant conducted by J&K FSL, Jammu has no resemblance; that the petitioner has demanded and accepted bribe from the complainant, and therefore, he be brought to justice. Lastly, it is prayed that petition be dismissed and the CBI be directed to proceed against the petitioner in accordance with law.

06. Respondent No.14-CBI has filed reply/objections, wherein, it has been, inter alia, stated that petitioner does not have any authority to dictate the



manner in which the investigation is to be conducted; that the writ petition filed by the petitioner is non-maintainable and deserves to be dismissed, outrightly, as the investigation stands completed and the CBI is under a legal obligation to prosecute the petitioner; that the choice of investigative techniques and procedure fall under the purview of the investigating agency; that the case RC0042023A0006 was re-registered by CBI on the reference of Govt. of J&K transferring the investigation of impugned FIR No.2/2022 of PS ACB Rajouri registered against the petitioner at the instance of complainant-Saminder Singh @ Gourav; that the Govt. Order transferring the investigation from ACB to CBI and RC registered by the CBI thereafter, were never assailed by the petitioner. Finally, it is prayed that the writ petition be dismissed.

SUBMISSIONS ON BEHALF OF PETITIONER

07. Mr. Sunil Sethi, learned Sr. Counsel assisted by Mr. Parimoksh Seth, Adv. appearing on behalf of the petitioner, argued that the Anti Corruption Bureau, Rajouri Poonch Range has no jurisdiction to register the complaint or lodge FIR in the instant case, as neither the complainant nor the petitioner was serving in District Rajouri or District Pooch; that the petitioner has been falsely implicated in the farce trap, which is no trap in fact but a tool employed by the complainant in connivance with govt. officials to take revenge, for, the petitioner, as Tehsildar Bahu, who was asked to enquire with respect to a forged mutation pertaining to land measuring 26 Kanal 06 marlas falling in Khasra No.06 (old) /32 (new) attested in favour of complainant, had reported to the Deputy Commissioner, Jammu against the complainant that no such mutation exists on record and further requested enquiry in the matter; that the



complainant, who filed the complaint against the petitioner, is absconding due to his alleged involvement in FIR No.276/2019 dated 26.10.2019, registered at P/S Bahu Fort against the complainant, at the instance of petitioner herein; that the petitioner has been made scapegoat at the instance of the vested interests. Finally, it is prayed that impugned FIR be quashed.

SUBMISSIONS ON BEHALF OF ACB

08. Mr. Raman Sharma, learned AAG assisted by Ms. Saliqa Sheikh, Advocate appearing for respondents no.1 to 12 has submitted that all the factual and legal grounds raised by the petitioner, in support of his case, can be raised before the Trial Court and no prejudice has been caused on jurisdictional aspects of lodging FIR, to the petitioner, so as to warrant quashing of FIR, particularly, so when the premier national investigating agency Central Bureau of Investigation (CBI), on transfer of the case to it, during investigation has found merit and substance and concluded the investigation into a charge sheet against the petitioner, as has been submitted by learned CBI counsel. He further submits that the allegations of connivance of the ACB officers, with the complainant to frame and falsely implicate the petitioner, who had reported against the complainant, in a departmental enquiry to have forged signatures of DC Jammu, with regard to attestation of mutation in the name of complainant's mother, get evaporated, for the reason that CBI has also found commission of alleged offences against the petitioner. Had there been any truth in petitioner's CBI would have taken note of the same. And even complainant has been charge-sheeted in the case registered against him, as such, there cannot be case of any



connivance of the ACB, as alleged. He finally prayed that the petition be dismissed.

SUBMISSIONS ON BEHALF OF RESPONDENTS 8 & 9

09. Mr. P N Raina, learned senior counsel assisted by Mr. J.A. Hamal, also appearing for respondents 8 and 9 submitted that complaint was lodged with SSP, ACB, which disclosed cognizable offence, as such, after preliminary verification, a case was registered; that, even if, respondents 8 and 9 had no jurisdiction, however, lodging of FIR with cognizable offences not having jurisdiction, cannot be quashed in the instant petition; that conversation of complainant and petitioner recorded was confirmed and that there was no mala fide; that in trap, money received with their scientific proof was recovered; that the Vigilance Organization has taken extraordinary caution in the matter; that the voice samples were proved by the FSL; that Section 156(2) CrPC bars to throw challenge in such a situation as has been held in Supreme Court in its judgment reported as **(1999) 8 SCC 720**; that the case was transferred to the concerned police station the very next day on 15.11.2022; that during investigation by the ACB, the matter got transferred to the CBI, who re-registered RC and that very RC has not been challenged, anywhere, by the petitioner; that neither the government order transferring the investigation to CBI nor RC registered with CBI were challenged; that in that view of the matter, constitution of an SIT is infructuous; that an accused cannot demand specific investigating agency or a court monitored SIT, in view of the decision of the Hon'ble Supreme Court reported as **(2018) 10 SCC 753**; that the FIR lodged



against complainant to have forged signatures of DC Jammu has also been transferred to the CBI. Finally, it is prayed that the petition be dismissed.

Submissions on behalf of respondent No.13-complainant

10. Mr. D S Saini, learned counsel appearing on behalf of respondent no.13-complainant argued that FIR No.02/2022 has rightly been registered against the petitioner under the relevant provisions of J&K PC Act, 2006, as he was found demanding and accepting bribe from the complainant red handed, in a trap case, in the presence of independent witnesses; that it is a bald allegation that complainant forged signatures of the then Deputy Commissioner, as is evident from the FSL report, which, in unequivocal terms, indicated that the forged signatures are not that of the complainant; that no cameras were installed in the office room of the petitioner; that the investigation of FIR No.2/2022 registered with Police Station Anti Corruption Bureau, Rajouri (Camp Jammu) was got transferred to CBI, who has completed the investigation in a fair and impartial manner; that a false case vide FIR No.276/2019 was registered against the complainant at Police Station Bahu Fort, Jammu; that factually incorrect assertions have been made by the petitioner in his petition against the complainant. Lastly, it is prayed that the writ petition be dismissed and the petitioner-accused, be brought to justice.

SUBMISSION ON BEHALF OF CBI-respondent No.14.

11. Mrs. Monika Kohli, learned Sr. Adv. assisted by Ms. Nazia Fazal, Advocate appearing on behalf of the respondent No.14-CBI argued that the petition has become infructuous with the handing over of the investigation to CBI; that the manner of investigation cannot be dictated by the accused as has



been urged in this petition; that the CBI was impleaded as respondent No.14 on 07.08.2023; that the investigation in the instant case is complete and the CBI is under legal obligation to prosecute the accused; that the allegation of ‘sham trap’ was also looked into by the Agency but has found nothing worth consideration; that shielding of ACB officers by the CBI is a false and baseless allegation; that petitioner has neither challenged the investigation conducted by the CBI nor it has thrown challenge to the Government Order, transferring investigation or to the Regular Case registered by the CBI; that no relief can be granted beyond the pleadings and prayers contained in the writ petition; that the petitioner is barred by the doctrines of approbation and reprobation, acquiescence and estoppel, from challenging the investigation conducted by the CBI; that a statutory duty is cast upon the CBI to submit the charge sheet upon completion of the investigation and in this regard, as such, it may be permitted to lay charge sheet. Lastly, it is submitted that the petition be dismissed. In support of her contentions, Mrs. Kohli has referred and relied upon judgments of the Hon’ble Supreme Court in the following cases:

‘Romila Thapar V. Union of India’ [(2018) 10 SCC 753]; and
‘P. Chidambaram V. Directorate of Enforcement’ [(2019) 9 SCC 24].

12. In rebuttal, Mr. Sethi, learned senior counsel would argue, that the CBI investigation is merely a continuation of the ACB investigation and, therefore, challenge to the original FIR is sufficient without assailing transfer of the case from J&K ACB to CBI or/and re-registration of the case by the CBI; that completion of investigation is no bar for this court to order investigation afresh by constituting an SIT; that it is not forthcoming from record that who took the voice recording of the petitioner; that voice recording between the



complainant and accused cannot be certified; that whole of the investigation had already been conducted by the ACB before transferring the case to CBI; that the complainant has not stated any good reason as to why he approached respondents 6 and 7, who had no territorial jurisdiction; that the complainant has been charged by the CBI for having forged the signatures of Deputy Commissioner, Jammu, for which two challans were filed against him; that in the case relied upon is not applicable, since the Magistrate had ordered the filing of case, therefore, police cannot decide jurisdiction; that role of ACB officers requires to be looked into.

13. Heard learned counsel for the parties at length, perused the record and considered.

14. From the pleadings and the rival submissions made by the learned counsel for the parties, the two main questions fall for consideration of this court: **first**, that whether the impugned FIR and the proceedings arising out of it are liable to be quashed for the reason that the case was registered with P/S ACB Rajouri (Camp Jammu) beyond its territorial jurisdiction, and **second**, that the petitioner had been falsely implicated by the complainant in the case, due to enmity, as a result of the enquiry conducted by the petitioner as Tehsildar Bahu, with regard to Mutation of land, measuring more than 26 kanals, comprising of Khasra No.6, situated at Bahu Rakh Narwal, Jammu under the forged signatures of Deputy Commissioner Jammu, regarding which an FIR No. 276/2019 dated 26.10.219 at P/S Bahu Fort, was registered against the accused, including respondent no.1/complainant in this case, in order to wreak vengeance against the petitioner, who had not succumbed to his temptations and withstood all



temptations and formulated a report against all the accused persons including the complainant.

15. The first question which requires to be addressed by this court is with regard to the fact that the impugned FIR was lodged and case was registered at P/S ACB Rajouri camping at Jammu, which had territorial jurisdiction over the districts of Poonch and Rajouri, as such, whether in a matter relating to Jammu District, the Police Station concerned had no territorial jurisdiction.

16. It will be relevant to reproduce Section 156 of the Code of Criminal Procedure, which deals with powers of an investigating agency to investigate the matter in cognizable cases. The same is reproduced as under:

“156. Police officer’s power to investigate cognizable case.—

(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under Section 190 may order such an investigation as above-mentioned.”

17. A case registered even beyond the territorial jurisdiction, cannot be quashed on that ground, in view of provision of sub section (2) of Section 156 CrPC. The matter relating to registration of the case at the police station beyond the jurisdiction of the place of occurrence has been dealt with by the Apex Court in many judgments. It is settled by a long course of decisions of the Apex Court



that for purposes of exercising the power under Section 482 CrPC to quash an FIR or complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same *per se* and it had no jurisdiction to examine the correctness or otherwise of the allegations. The Apex Court in a case titled ‘Satvinder Kaur V. State (Govt. of NCT) of Delhi reported as **1998 (8) SCC 728** held that *‘police officer cannot refuse to register an FIR or investigate an offence on the sole ground of lack of territorial jurisdiction and that if the Investigating Officer (IO) later finds that no part of the cause of action arose within the jurisdiction of the police station, the FIR is to be forwarded to the competent police station’*.

18. The Apex Court in ‘Rhea Chakraborty V. State of Bihar’ reported as **2020 (20) SCC 184** referred and relied upon by the learned counsel for the ACB, while discussing the scope of Section 406 CrPC and structural investigations, held that *‘Section 406 CrPC allows for the transfer of cases or appeals but not pending investigations, while reiterating that the accused has no fundamental right to choose or substitute any specific investigating agency, wherein with regard to death of actor-Shushant Singh Rajput in Mumbai, the Mumbai police had proceeded for inquest proceedings, in the matter, in terms of Section 174 CrPC to enquire into the cause of his death, whereas a case was registered at Patna in Bihar’*. The Apex Court held in paragraph 30 of the judgment that *‘having regard to the law enunciated by this court as noted above, it must be held that the Patna police committed no illegality in registering the complaint and at the stage of investigation, the police was not required to transfer the FIR to Mumbai Police and for the same reason, the Bihar*



government was competent to give consent for entrustment of investigation to the CBI and as such the ongoing investigation by the CBI is held to be lawful.'

19. Even the Apex Court in earlier cases has also taken the same view. In *Rasiklal Dalpatram Thakkar V. State of Gujarat* [2010 (1) SCC 1], it has been held that the SHO cannot refuse to investigate or transfer a court-ordered enquiry under the guise of territorial limitations. The territorial jurisdiction is an issue to be settled at the stage of inquiry or trial, not at the threshold of investigation. In *'Naresh Kavarchand Khatri v. State of Gujarat'* reported as 2008 (8) SCC 300, it was held that *'High Courts should not interfere at the initial stage of an investigation to reassign or shuffle police stations without exceptions justification'*.

20. Even on a bare perusal of the provision contained under Section 156 CrPC, sub section (2) of which provides that no proceeding by a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. In view of the afore-stated law laid down by the Apex court with regard to investigation by a police station having no territorial jurisdiction, particularly, in the face of sub section (2) of Section 156 CrPC, the first contention that has been made on behalf of the petitioner that the case registered against him with Police Station ACB, Rajouri (Camp Jammu) is liable to be quashed on the basis of lack of territorial jurisdiction is, thus, misplaced. The Police Station concerned of the ACB on receipt of information was under an obligation to register and enquire into the matter, the police station concerned on receipt of a written complaint on 01.11.2022 and after verifying the facts, particularly, with



regard to the recorded conversation between the complainant and the petitioner as an accused, registered the case on 14.11.2022.

21. The learned Senior Counsel appearing for the CBI has been very candid to disclose that the CBI had looked into all aspects and the objections raised by the petitioner as an accused with regard to recording of call between the complainant and the accused, CCTV footage of the Revenue Complex, where the petitioner was holding his office and other aspects of the matter, including registration of the case, against the complainant, which had also been transferred to the CBI; therefore, after investigation of the case, a charge sheet was laid against the accused, including the complainant.

22. The ACB Headquarters, on receipt of information, with regard to registration of the case and the trap conducted in the matter finding that it was the Police Station of ACB Jammu, which had the territorial jurisdiction, transferred the investigation to that police station on the very next day on 15.11.2022. In a later development, the Govt. of Jammu & Kashmir in its wisdom transferred the case to the premier investigating agency Central Bureau of Investigation (CBI) vide Govt. Order GAD-VIGOSP/7/2023-04-GAD dated 18.01.2023. The case initially registered with P/S ACB Rajouri was re-registered with the CBI as RC0042023A0006-CBI and after investigation of the case, as per the status report filed and on perusal of the CD of the case, CBI has completed the investigation, concluding into a charge sheet, ready to be laid, before the court of law. It is also a fact that the petitioner, after transfer of the investigation into the impugned FIR registered with ACB Rajouri (Camp Jammu), which was ultimately transferred to the Central Bureau of Investigation



by the Government of Jammu & Kashmir, has neither challenged the order of transfer of investigation or the case registered afresh by the CBI, which also goes to the root of the petitioner's case.

23. As per the fresh status report filed by respondent No.14-CBI ACB Jammu, that as per the version of the J&K ACB, the case was registered at their police station of Rajouri Division under the orders of Director J&K ACB to maintain the secrecy till trap was conducted and that immediately, thereafter, the case was transferred to the jurisdictional Jammu Division; that after transfer of the investigation by the Govt. of J&K, the respondent- CBI ACB conducted further investigation, complied with the directions passed by this court from time to time and that samples of the voice record of the complainant and the accused were found matched by forensic experts, CCTV footage was also examined and that finally it had been concluded that there was sufficient evidence indicating demand, motive and recovery of illegal gratification by the accused/petitioner- Rohit Sharma, for which, sanction for prosecution has been requested. The CBI, thus, has concluded the investigation for the commission of the alleged offences by the petitioner herein, on the basis of its independent investigation, without having been influenced by any external influence from any of the quarters, including the J&K ACB. Therefore, the first contention raised on behalf of the petitioner, being untenable, is rejected.

24. The second contention raised on behalf of the petitioner that the complainant due to some enmity with regard to a finding of fact recorded by the petitioner herein as Tehsildar with regard to manipulating the mutation in favour of the complainant's family of a big chunk of land on the basis of the forged



signatures of the Deputy Commissioner Jammu, lodged the complaint against the petitioner. Since this aspect has also been looked into by the CBI and also being a factual aspect of the case, on this plea alone, the case otherwise having been proved against the petitioner as an accused in an independent investigation, in the considered opinion of this court, is not liable to be quashed. The second contention is also, thus, overruled.

25. The Apex Court in ‘Mir Mustafa Ali Hasmi V. State of Andhra Pradesh’ reported as **2024 (10) SCC 489** held that *‘a key protocol under the Prevention of Corruption Act, a trap laying officer (TLO) must make reliable efforts to verify the factum of a bribe demand, such as, recording a telephonic conversation before initiating a trap and straightaway organizing a trap without verification makes the prosecution’s case suspect.’*

26. The Apex Court in ‘The State of Lokayukta Police v. Sri K Rangayya & Anr.’ [**2026 INSC 574**], while setting aside the impugned order passed by the High Court of Karnataka, during investigation of a case under the Prevention of Corruption Act, held that it is contrary to the settled principles governing Section 7 of the PC Act and also the exercise of powers of quashing an FIR, that the High Court had practically conducted a mini trial, which is impermissible at the threshold. The contention of learned Senior Counsel appearing for the petitioner that the impugned FIR was motivated by prior hostilities and on the basis of the retaliatory and mala fide complaint lodged by the complainant arising out of the petitioner’s enquiry into the case of the complainant’s family with regard to attestation of a mutation over a big chunk of land within the territorial jurisdiction of Tehsil Bahu based on forged signatures of the Deputy



Commissioner, the question as to whether the complaint was motivated by mala fides, is itself a matter of evidence and trial, and that the mere allegation of pre-existing hostilities does not render the allegations in the impugned FIR so inherently improbable or manifestly absurd, so as to justify quashing, especially, in light of the presence of recording of conversation between the complainant and the petitioner. The complainant's motive, if any, is a matter, that can be tested by the defense in the course of trial, by way of cross examination or otherwise. The existence of pre-existing dispute between the parties does not, in and of itself, constitute a ground for quashing the FIR, particularly, when the allegations taken at face value disclose a *prima facie* cognizable offence. Therefore, no merit is found in this contention. The third ground of challenge is also, thus, rejected.

27. The petitioner, besides, seeking quashment of the FIR had also prayed that a Special Investigating Team (SIT) be ordered to be constituted so that the petitioner is not wrongly and falsely implicated. In view of the case having been transferred to the premier investigating agency of India, CBI, this relief pales into insignificance. In 'Romila Thapar V. Union of India' reported as **2018 (10) SCC 753**, a three Judge bench of the Apex Court held that 'accused cannot dictate the choice of the agency that investigates them, nor can they demand a court-monitored investigation, as a matter of right'. A similar view had been taken in case titled 'Narmada Bai V. State of Gujarat and Ors' reported as **2011 (5) SCC 79**, wherein it was held in paragraph 64, extracted as under:

'64. It is trite law that accused persons do not have a say in the matter of appointment of Investigating Agency. The accused



persons cannot choose as to which investigating agency must investigate the alleged offences committed by them.’

The Apex Court again in a case ‘Divine Retreat Centre V. State of Kerala and Ors’ reported as **2008 (3) SCC 542** held that the accused cannot ask for changing the investigating agency or to do investigation in a particular manner including for court monitored investigation.

28. Another relief, which had been prayed in this petition, is with regard to a direction to the respondents to seize the electronic devices/records of CCTV installed in the premises of the Tehsildar Office Bahu Jammu, for CFSL evaluation, CCTV footage was stated to have been secured in terms of the interim order passed by this court earlier and the learned Senior Counsel appearing for the CBI has also submitted that the CCTV footage has been seized and made part of the investigation by the CBI.

29. Having regard to the discussion made hereinabove and the reasons assigned in the preceding paragraphs, this court, is of the considered opinion that the petitioner has failed to make out a case warranting interference by this court into the investigating of the case against him, initially registered with the J&K ACB, and later transferred to CBI.

30. Viewed thus, the petition is, found to be without any merit and substance and is liable to be rejected. As a result, petition is, **dismissed**, along with application(s).



31. Interim direction, if any, shall stand vacated. The CBI shall be at liberty to lay the charge sheet before the competent court.

32. CD File of the case is ordered to be returned to the respondent- CBI ACB Jammu through its counsel.

(MA CHOWDHARY)
JUDGE

JAMMU
12.08.2026
Raj Kumar

Whether the order is reportable: Yes/No