IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

WRIT PETITION NO. 62298 OF 2016 (GM-RES)

BETWEEN:

SRI. B.N. RAJANNA
S/O B.L. NANJAPPA
AGED ABOUT 56 YEARS,
R/A NO.1309, 13TH CROSS,
2ND STAGE, MAHALAKSHMIPURAM
WEST OF CORD ROAD,
BANGALORE - 560 086

... PETITIONER

(BY SRI. D.R. RAVISHANKAR, SR. ADVOCATE

SRI. R. HEMANTH RAJ, ADVOCATE)

AND:

1. THE POLICE INSPECTOR,
BANGALORE RURAL DISTRICT,
KARNATAKA LOKAYUKTHA
OFFICE SITUATED AT
B.R. AMBEDKAR VEEDHI
BANGALORE - 560 001

2. THE SUPERINTENDENT OF POLICE,
BANGALORE RURAL DISTRICT,
KARNATAKA LOKAYUKTHA,
OFFICE SITUATED AT
B.R. AMBEDKAR VEEDHI
BANGALORE - 560 001

3. THE ADDITIONAL DIRECTOR GENERAL
OF POLICE KARNATAKA LOKAYUKTHA
OFFICE SITUATED AT B.R. AMBEDKAR
VEEDHI, BANGALORE - 560 001

4. THE STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY OFFICE
SITUATED AT B.R. AMBEDKAR
VEEDHI, VIDHANA SOUDHA
BANGALORE - 560 001

... RESPONDENTS

(BY SRI. B.S. PRASAD, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W 482 OF CR.PC PRAYING TO QUASH THE FIR AND CHARGE SHEET IN SPECIAL CASE NO.70/2014 ON THE FILE OF THE SPECIAL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU PRODUCED VIDE ANNEXURE-B AND CHARGE SHEET DTD:16.3.2011 VIDE ANNEXURE-K RESPECTIVELY AND ALL FURTHER PROCEEDINGS THEREON.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 06.02.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MRS JUSTICE M G UMA

CAV ORDER

The petitioner being the accused in Spl.Case No.70/2014 on the file of the learned Special Judge, Bengaluru Rural District registered for the offences punishable under Section 13(1)(e) of the Prevention of Correction Act, 1988 (for short 'PC Act') is seeking to quash the criminal proceedings initiated against him.

2. Heard Sri. D.R. Ravishankar, learned Senior Advocate for Sri. R Hemanth Raj, learned Counsel for the petitioner and Sri B.S. Prasad, learned counsel for the respondents. Perused the materials on record.

3. Learned Senior Advocate for the petitioner contended that the, petitioner was working as Assistant Executive Engineer at KPTCL, Peenya. A Source Information Report (for short 'SIR') is said to have been submitted by the police inspector without issuing notice to the accused. No preliminary enquiry was held. But on the basis of such source report, FIR came to be registered by the police inspector in Cr.No.09/2011 of Lokayukta Police.

4. Learned Senior Advocate referring to Section 17 (b) and (c) of the PC Act submitted that, it is either Assistant Commissioner of police or Deputy Superintendent of Police as the case may be, or the police officer of equivalent rank who are authorised to investigate any offence punishable under the special statute. After registration of the FIR, realising that the police Inspector is not competent to conduct the investigation, DYSP was appointed as the Investigating Officer. But the investigation that was already conducted earlier by the Police

inspector ,who was not authorised to conduct the investigation was carry forwarded, without holding *de novo* investigation. Therefore, the investigation undertaken by the police officer without any authority, is bad under law. Hence, the criminal proceedings is liable to be quashed.

5. He placed reliance on the decision of this Court in ***D Nagaraj Vs. State of Karnataka***[1] to contend that, a preliminary enquiry is a must before submitting the 'SIR'. When no such primary enquiry is held, the 'SIR' which was drawn without following the procedure as contemplated and which is also very bald, is liable to be rejected. In the present case, since the 'SIR' is treated as a complaint and the FIR came to be registered, the same is bad under law.

6. The next contention raised by the learned Senior Advocate is regarding sanction accorded by the Board of KPTCL. Referring to Section 19 of the PC Act, learned Senior Advocate contended that only the competent authority can accord sanction to prosecute the accused. In the present case, the Board is not competent to accord sanction. He placed reliance on the decisions of this Court in ***V.Venkatasiva***

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[1] 2024 SCC Online KAR 27226

Reddy Vs. State by Karnataka Lokayukta[2] and contended that the coordinate Bench of this Court referring to a similar set of facts, held that under the erstwhile regulations, there was a provision for grant of sanction. Sub clause (f) of regulation 14A was incorporated only in the year 2003. But no notification as required was issued by KPTCL in that regard. Under such circumstances, it was held that sub clause (f) of regulation 14A has never been laid before the legislature nor notified in the gazette which led to a chaotic situation and therefore, the sanction accorded by the Board is not a sanction in the eyes of law.

7. Learned Senior counsel contended that, the said decision of the Coordinate Bench in **V. Venkatasiva Reddy** (*supra)* was challenged in Special leave appeal before the Hon'ble Apex Court, which came to be dismissed as there was no reasons to interfere with the same. Hence, the order has attained finality. Therefore, learned counsel submits that in the present case also, Board of KPTCL accorded sanction, which is bad under law and cannot be considered as a sanction as

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[2] Crl.P.No.7157/2016 dated 28.10.2016

required under Section 19 of the PC Act. On that ground also, criminal proceedings is liable to be quashed.

8. Learned Senior Advocate contended that the Bengaluru Rural Superintendent of Police had no authority to authorise the investigation into the matter as the petitioner was working in Bengaluru City i.e., at Peenya and therefore, registration of the criminal case is bad under law.

9. Learned Senior Advocate contended that the wife of the petitioner is a Class –I contractor, who is an income tax assesse. She had purchased several properties out of her own income. The same cannot be considered as the property acquired by the petitioner by illegal means. The accused was never notified by the Investing Officer about the investigation. If a notice was issued to the petitioner at the time of preliminary enquiry, the petitioner would have produced the relevant documents to substantiate his defence. Without there being any opportunity to the accused, the criminal proceedings is launched, which is bad under law and is liable to be quashed. Accordingly prays for allowing the petition.

10. *Per contra*, learned counsel for respondent opposing the petition submitted that even though the coordinate Bench

of this Court in ***V.Venkatasiva Reddy*** *(supra)* allowed the petition by observing that the sanction was not a sanction in the eyes of law, in the subsequent petition, i.e., in ***G.Krishnamurthy Vs. Karnataka Lokayuktha***[3], which came up before the same Hon'ble Judge, under similar circumstances, the petitioner was permitted to withdraw the petition as 'not pressed' and it was specifically recorded therein that, certain provisions of law were not brought to the notice of the Court when the earlier decision was rendered. Therefore, learned counsel for respondent contends that the decision in ***V.Venkatasiva Reddy*** *(supra)* is no more a good law and cannot be relied on by the learned counsel for the petitioner.

11. He placed reliance on the decision of this Court in ***M/s. Karnataka Power Transmission Corporation Limited Vs. P.N.Hanumanthaiah***[4] and ***State of Karnataka, represented by its Police Inspector Vs. Sri.Jaikumar A.S.***[5] to contend that, the coordinate Benches of this Court consistently held that even under the new Act, it is the Board of

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[3] Crl.P.No.9358/2016 C/w WP.No.59662/2016 dated 24.01.2017
[4] Crl.R.P.No.56/2020 C/w Crl.R.P.No.155/2021 dated 24.04.2024
[5] Crl.R.P.No.889/2024 dated 28.08.2025

KPTCL, which is competent to appoint Assistant Executive Engineer and is also competent to accord sanction to prosecute.

12. Learned Counsel submits that, the coordinate Benches have referred to Section 14A(f) of Karnataka Electricity Board (KEB) Employees' (Classification, Disciplinary, Control and Appeal Regulations 1987 (for short ' KEB Regulations, 1987) to hold that criminal prosecution investigated by either Lokayuktha or any other authority, the appointing authority specified in the schedule to the regulations who are competent to impose the penalty of removal of the accused is also competent to accord sanction for prosecuting the accused. Placing reliance on these decisions, learned counsel for the respondent contended that sanction is obtained in accordance with law and the same cannot be disputed at this stage.

13. Learned counsel also submitted that the investigation is completed and the charge sheet came to be filed. The Cognizance is taken and the accused is before the Trial Court. The entire charge sheet is not produced before this Court deliberately by the petitioner.

14. Learned Counsel also submitted that, Section 17 (c) is to be read along with the proviso, which enables a police officer of rank of police Inspector who could be authorised by the State Government on his behalf to investigate into the matter. There is a general order issued by the State Government as required under first proviso to Section 17, which authorises the concerned police inspector to investigate into the matter.

15. Learned counsel also submitted that, the Superintendent of police, Bengaluru Rural has authorised the police inspector to investigate into the matter and thereby, satisfied with the requirement of second proviso to Section 17(c). Therefore, the contention of the learned counsel for the petitioner that the investigation was held by an unauthorised officer, cannot be accepted.

16. Learned counsel for the respondent further submitted that preliminary enquiry was held by the police officer and several materials were collected to *prima-facie* satisfy the allegations regarding disproportionate assets amassed by the petitioner, and only thereafter, 'SIR' was submitted. After being satisfied with the 'SIR', FIR came to be

registered. On the basis of the FIR, a detailed investigation was undertaken. Voluminous documents were produced before the learned Special Judge. All those materials were suppressed by the petitioner. Now the special Court has already taken cognizance of the matter and it is pending for trial. Under such circumstances, the petitioner cannot seek quashing of the criminal proceedings. No grounds are made out for quashing the criminal proceedings and accordingly prays for dismissal of the petition.

17. In view of the rival contentions urged by learned counsel for both the parties, the point that would arise for my consideration is:

> *"Whether the petitioner has made out any grounds to allow the petitions and to quash the criminal proceedings initiated against him?"*

18. My answer to the above point is in the **'Negative'** for the following:

REASONS

19. It is the contention of the learned Senior Advocate for the petitioner that, petitioner’s wife is a Class-I contractor and an Income Tax Assessee. The assets referred to by the

Investigating Officer were acquired by her from out of her own income and therefore, the same cannot be taken to the account of the petitioner to invoke Section 13(1)(e) of the PC Act. This could be the defence that could be taken by the petitioner before the trial Court. But this Court cannot hold a mini trial to find-out the truth or otherwise in such contention and to quash the criminal proceedings on such grounds.

20. It is the contention of the petitioner that a preliminary enquiry should have been held and before holding such preliminary enquiry, the petitioner should have been notified. To substantiate this contention, learned Senior Advocate for the petitioner places reliance on the decision in ***D Nagaraj*** (*supra*). Even though the Coordinate Bench of this Court considering the facts of the said case held that there is non-compliance of requirements of law, as the police officer had not submitted the report to the learned Magistrate under Section 157 of Cr.PC, nor the same was forwarded to the Superintendent of Police along with the 'SIR' and other materials, which forms the basis for investigation under the second proviso to Section 17 of the Act, it is to be noticed that the said decision rendered by the co-ordinate Bench of this

Court was sets aside by the Hon'ble Apex Court vide it order dated 06.10.2025 in ***State of Karnataka Vs. D Nagaraj and another***[6]. The Apex Court referring to its earlier decision in ***State Of Karnataka by Lokayukta P.S., Bengaluru City v. Syed Muneer Ahmed and another*** (Crl.A.No.3686/2025 and connected matters) in paragraph Nos.5 to 8, reiterated the following:

> *"5. The issue involved in the present cases, stands covered by a decision of this Court in the case of State of Karnataka v. T.N. Sudhakar Reddy reported in 2025 SCC OnLine SC 382, whereby, this Court quashed and set aside an identical order passed by the Karnataka High Court. The High Court decided the identical issues in the batch of criminal petitions filed before it and held as follows: -*
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> *i. That no preliminary enquiry whatsoever was conducted in accordance with Section 9 of the Karnataka Lokayukta Act, 1984 and hence, the direction given by the Superintendent of Police, Karnataka Lokayukta, Bangalore to register the FIRs against the respondent(s) therein for the offence/s punishable under the Prevention of Corruption Act, 1988 (for short 'PC Act'), was illegal and without jurisdiction.*
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> *ii. That the direction given by the Superintendent of Police to the Deputy Superintendent of Police, for investigating the cases pursuant to registration of the FIRs, was contrary to the mandate of Section 17 of the PC Act.*
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> *6. This Court in T.N. Sudhakar Reddy (supra) overturned both these findings of the High Court and affirmed the*

[6] Diary No.25826/2025

action of the Superintendent of Police, Karnataka Lokayukta, Bangalore, in directing the registration of the FIR under the PC Act without conducting any preliminary inquiry and the consequent investigation thereof by the Deputy Superintendent of Police.

7. Subsequent to the decision in T.N. Sudhakar Reddy (supra), this Court considered another batch of appeals arising from similar orders of the Karnataka High Court led by Criminal Appeal @ SLP(Crl.) No. 12156 of 2023 (The Karnataka Lokayuktha Police v. K.L. Gangadharaiah). Following the ratio of T.N. Sudhakar Reddy (supra), the impugned orders were set aside, and the criminal petitions were remitted to the Karnataka High Court to examine the challenge laid by the respective writ petitioners (respondent(s) before this Court) to their prosecution on merits. The remand was directed considering the fact that the grounds taken by the respective writ petitioners, touching upon the merits, were not adverted to by the High Court as the quashing petitions were decided on the preliminary issues of jurisdiction only.

8. In view of the above discussion, the impugned orders, cannot be sustained and the matters deserve to be remitted to the High Court for fresh decision on merits."

21. In the present case, admittedly, a 'SIR' was prepared after receipt of a credible information regarding commission of the offence under section 13(1)(e) of PC Act. As per 'SIR', the petitioner has amassed assets worth Rs.1.36 Crores, his expenditures during the check period was Rs.20 lakhs, whereas, his income was only Rs.95 lakhs and disproportionate asset was estimated at Rs.61.40 lakhs, which is 64.63% more than the income from known source. The

Superintendent Of Police, Karnataka Lokayuktha, Bengaluru Rural District after verifying the SIR, accorded permission to register the FIR and for holding regular investigation. Based on this permission, the FIR came to be registered and the investigation was undertaken.

22. Even though, it is contended by the learned Senior Advocate for the petitioner, that the petitioner should have been notified while conducting preliminary enquiry, no law prescribes for such issuance of notice at the earliest stage. What is contemplated under law is holding preliminary enquiry to find *prima-facie* materials to constitute a cognisable offence. If at all the petitioner is having any defence stating that his wife is a Class –I contractor and an income tax assessee, who acquired several properties in her name from out of her own income, it is only the defence that can be taken before the Trial Court but the same cannot be a ground for quashing the criminal proceedings.

23. The Hon'ble Supreme Court way back in the year 1970, while deciding ***P. Sirajudheen v. State of Madras***[7] *felt* necessary that, before a public servant is publicly charged with

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[7] (1970) 1 SCC 595

acts of dishonesty, which amounts to serious misconduct and a first information is lodged against him, there must be some suitable preliminary enquiry to be held with regard to the allegations by a responsible officer. Taking clue from this decision, the Hon'ble Apex Court has again in ***Lalitha Kumari v. Government of Uttar Pradesh and others***[8], felt it necessary to issue certain directions for holding of preliminary enquiry and registration of the FIR under Section 154 of Cr.PC. Even though, PC Act never prescribes holding of preliminary enquiry, in ***Lalitha Kumari*** *(supra)*, it is held that before proceeding against a public servant in matters of corruption, it is desirable to have a preliminary enquiry. The Court has suggested to hold preliminary enquiry to be conducted in a particular case, depending upon the facts and circumstances of each case. In paragraph 120.6, the Court has suggested illustratively the categories of cases in which such preliminary enquiry is desirable, which include corruption cases. The Court has considered various facets of the contentions raised in the case, issued following directions, which are relevant to the case in hand;

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[8] (2014) 2 SCC 1

"Conclusion/Directions

120. In view of the aforesaid discussion, we hold:

120.1. <u>The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.</u>

120.2<u>. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.</u>

120.3.<u> If the inquiry discloses the commission of a cognizable offence, the FIR must be registered.</u> In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

120.4. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

120.5. <u>The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.</u>

120.6. <u>As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:</u>

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases….XXX."

(emphasis supplied)

24. It is relevant to refer to the recent decision of the Hon'ble Apex Court in ***State of Karnataka v. Sri. Channakeshava.H.D. and another***[9], wherein the Court considered an order passed by this Court quashing the criminal proceedings against the accused for the offence under Section 13(1)(b) read with Section 13(2) of the PC Act alleging amassing of disproportionate assets by a public servant, who was working as an Executive Engineer in Bangalore Electricity Supply Corporation (for short 'BESCOM') which was called in question by the State of Karnataka. By referring to its earlier decision in ***P. Sirajudheen*** **and** ***Lalitha Kumari*** *(supra)*, the Hon'ble Apex Court held in paragraph Nos.12 as under:

> *"12. To sum up, this Court has held that in matters of corruption a preliminary enquiry although desirable, but is not mandatory. In a case where a superior officer, based on a detailed source report disclosing the commission of a cognizable offence, passes an order for registration of FIR, the requirement of preliminary enquiry can be relaxed."*

[9] 2025 SCC OnLine SC 753

14. Mr. Devadatt Kamat, senior counsel, has relied upon a recent Three-Judge Bench decision of this Court *in* ***CBI V.Thommandru Hannah Vijayalakshmi, (2021) 18 SCC 135*** *where it was specifically stated that an accused public servant does not have any right to explain the alleged disproportionate assets before filing of an FIR. We are also of the opinion that this is the correct legal position as there is no inherent right of a public servant to be heard at this stage."*

(emphasis supplied)

25. Thus the Court has considered the contention taken by the accused before it that he was not given a chance to explain his position before registration of the FIR and that the registration of FIR has been used as an instrument to harass the public servant without prior notice or hearing and without holding a preliminary inquiry. Referring to its earlier decision in the

CBI V. Thommandru Hannaah Vijayalakshmi[10], where it was specifically held in the said case that an accused-public servant does not have any right to explain the alleged disproportionate assets before registration of the FIR. The Court endorsed the said opinion as the correct legal position as

[10] (2021) 18 SCC 135

there is no inherent right available to the public servant to be heard at that stage.

26. The Hon'ble Apex Court in ***Channakeshava.H.D***. (supra) held in paragraph Nos.6, 7, 8 and 10 as under:

> *"6. The learned Single Judge of the Karnataka High Court was of the opinion that although before lodging of the FIR, orders did come from the Superintendent of Police ('SP') but the SP had not conducted any preliminary enquiry before passing his orders and therefore, there was no application of mind by the SP. In the opinion of the learned Judge of the High Court, this would affect the entire proceedings and thus, High Court vide impugned order dated 25.04.2024 quashed the FIR.*
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> *7. This order of the High Court has been challenged by the State of Karnataka before this Court primarily on the ground that a preliminary enquiry visualized under the said proviso is desirable but not mandatory. Further, it has been argued on behalf of the State of Karnataka that, in the present case, SP had passed an order dated 04.12.2023 under Section 17 of the PC Act and this order was passed on consideration of relevant materials inasmuch as it was passed on the basis of a source report dated 05.10.2023.*
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> *8. <u>There is no provision for a preliminary enquiry under Section 13 or Section 17 of the PC Act. The second proviso to Section 17 of the PC Act does not speak of a preliminary enquiry. It was only in **Lalita Kumari v. Government of Uttar Pradesh & Ors. (2014) 2 SCC 1** that this Court had held that before proceeding against a public servant in matters of corruption, it is desirable to have a preliminary enquiry.</u> Much before **Lalita Kumari (Supra),** this Court in **P. Sirajuddin v. State of Madras (1970) 1 SCC 595** had observed that "before a public servant, whatever be his status, is publicly charged with acts of dishonesty*

which amount to serious misdemeanour or misconduct of the type alleged in this case and a first information is lodged against him, there must be some suitable preliminary enquiry into the allegations by a responsible officer." Relying on this judgement, ***Lalita Kumari (Supra)*** *had put the corruption matters under the category of cases in which preliminary enquiry may be made before registration of FIR.*

> ***"117.*** *In the context of offences relating to corruption, this Court in P. Sirajuddin [P.Sirajuddin v. State of Madras, (1970) 1 SCC 595 : 1970 SCC (Cri) 240] expressed the need for a preliminary inquiry before proceeding against public servants."*
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> ***.....***

(Emphasis supplied)

The learned counsel for the State of Karnataka would, however, argue that once a detailed source report is there before the SP, explaining the reasons for initiation of proceedings and when details are given, a formal preliminary enquiry may not be necessary as all the relevant material is already there before the SP.

10. According to this source report, it was prima facie found that respondent no.1 had acquired assets disproportionate to his known sources of income during the check period i.e. 11.11.1998 to 30.09.2023, to the tune of Rs.6,64,67,000. Based on this source report, which is nothing but a kind of preliminary enquiry, an order was passed by the SP directing the registration of an FIR against respondent no.1.

(*further emphasis supplied*)

27. On going through these decisions of the Apex Court right from 1970 till the recent decision in ***Sri. Channakeshava.H.D.*** *(supra)*, the Hon'ble Apex Court has

time and again consistently reiterated the requirement of holding the preliminary enquiry when an information regarding commission of the offence was received, but the same was not sufficient to prima facie make out a cognizable offence, specifically when it is desirable to have a *prima-facie* materials for commission of a cognizable offence. It mandates the Investigating Officer to hold a preliminary inquiry for the purpose of collecting the information informally, only for the purpose of satisfying himself or to satisfy his higher officer regarding commission of the cognizable offence by the accused- public servant.

28. Holding of enquiry in the present case to collect the information, which was reduced into 'SIR' by the police officer itself is a preliminary enquiry held by him for the purpose of satisfying himself and to place on record the prima facie materials regarding commission of the cognizable offence punishable under Section 13(1)(e) PC Act.

29. On going through the 'SIR' submitted by the police officer in the present case, it is evident that the petitioner is working as Assistant Executive Engineer in 'BESCOM', who joined service on 31.03.1984 as Junior Engineer. At the time of

preparation of SIR, his basic pay was around Rs.17,000/- per month. He was promoted as Assistant Engineer on 19.06.1998 and as Assistant Executive Engineer on 03.05.2006. It is stated that, the petitioner is not enjoying good reputation in the department. He owns one residential house bearing No.1309 at Bengaluru built on a site measuring 40x60 with 8 square feet RCC house constructed in the year 1974. The land with an old house was purchased on 23.02.2004. Subsequently, the old house was demolished and he constructed a 35 square feet house consisting of ground and first floors, with an estimated value of Rs.40 lakhs, which was constructed in the year 2007. The accused owns a shopping complex in Rajaji Nagar Industrial area, Bengaluru with ACC shed measuring 60X65 feet, purchased on 07.04.2003 for a total consideration of Rs.15 lakhs by Rame Gowda and Smt. Ratnamma in-laws of the petitioner and subsequently, gifted the same to their daughter Mangala. Subsequently, the old industrial shed was demolished and the petitioner has constructed a commercial complex consisting of cellar, ground and four floors to the extent of 103 square feet and the total approximate value of Rs.40 lakhs. The petitioner has also purchased a site measuring

40X60 feet in Kadabgeri, Bengaluru during 2004, which is valued at Rs.8 lakhs. He purchased 3.38 acres of land in the name of Smt. Mangala in Mahadevapura for a consideration of Rs.2,40,000/-. He also owns 1450 grams of gold ornaments, 10 kgs of silver, UTI shares in the name of his son. Six LIC policies in the names of his family members. Apart from owning various household and electrical and electronic gadgets, incurring expenses towards education, loan repayment, stamp, registration and household expenses, it is stated that the salary income of the accused during the check period was approximately Rs.35 lakhs. But the total income assets and the expenditures incurred by the accused was approximately Rs.95 lakhs. There is reference to income from commercial complex and a housing loan and it is estimated that he was having disproportionate income at 64.63% when compared to his known source of income. Therefore the Superintendent of Police, Karnataka Lokayuktha on the basis of the information received from 'SIR', recommended for registration of the FIR and for regular investigation.

30. The contents of 'SIR' *prima-facie* discloses that the petitioner, who was a public servant, amassed wealth which

was disproportionate to his known source of income and there by he committed misconduct under Section 13(1)(e) punishable under Section 13(2) of PC Act.

31. On receipt of the recommendation to register the case for the offence under Section 13(1)(e) R/w Section 13(2) of PC Act by the Superintendent of Police, Karnataka Lokayuktha, on the basis of the SIR, the FIR in the Cr.No.9/2011 for the said offence came to be registered on 16.03.2011 by the Karnataka Lokayuktha, Bengaluru Rural District, Bengaluru, arraying the petitioner as the accused. This FIR was registered by Vazir Ali Khan, the Police Inspector, attached to Karnataka Lokayuktha Bengaluru rural District, Bengaluru.

32. Under Section 154 of the Code of Criminal Procedure, as it stood then, every information relating to commission of a cognizable offence, if given to an officer in-charge of police station, whether given in writing or reduced into writing, shall be entered in a book to register the FIR. Therefore, registration of the FIR under Section 154 of Cr.PC is the job of an officer in-charge of the police station. In the present case, the police Inspector attached to Karnataka

Lokayuktha Police, Bangalore Rural District, registered the FIR as the officer in charge of the police station.

33. All these procedures discloses that on receipt of credible information regarding commission of the offence, a formal preliminary enquiry was conducted and an SIR was submitted to the Superintendent of Police, Karnataka Lokayuktha Police, Bangalore Rural District, who after being satisfied with the prima facie materials regarding commission of the offence, recommended for registration of the case and ordered for regular investigation. The preparation of 'SIR' in the present case itself is a preliminary enquiry held by the police officer by collecting the materials informally, which are sufficient for registration of FIR for a cognizable offence. Therefore, the contention of the learned counsel for the petitioner that no preliminary enquiry was held as required under law, or the accused was not given prior notice to explain regarding his assets or the source from where he acquired the same, or that the police inspector who registered the FIR was lacking authority to register the FIR does not find any merits and hence, the same is to be rejected.

34. The learned counsel for the petitioner has referred to the decision of the Hon'ble Apex Court in ***Surender Kaushik and others Vs. State of Uttar Pradesh and others***[11] to contend that the investigation was undertaken without registration of the FIR and the same is bad under law as there is abuse of process of law. The Hon'ble Apex Court in ***Surender Kaushik*** *(supra)* dealt with permissibility of a second FIR for the same incident. It has considered whether a second FIR could be registered when already an FIR was registered concerning the same incident and it has summed up by clarifying the test of sameness for multiple FIRs. In the present case, no two FIRs were registered. Only the preliminary enquiry was held and the 'SIR' came to be submitted to the Superintendent of Police, Karnataka Lokayuktha. Source Information Report (SIR) cannot be equated with the First Information Report (FIR). SIR is never referred to either in Cr.PC or in the present BNSS. It is the practice that is evolved on the basis of various decisions of the Apex Court referred to above. By no stretch of imagination the 'SIR' can be equated to

[11] (2013) 5 SCC 148

FIR that is registered under Section 154 of Cr.PC or under Section 173 of BNSS.

35. Learned for the petitioner has also referred to the decision of the Hon'ble Apex Court in ***Mohindro Vs. State of Punjab***[12] to contend that, the investigation could not have been undertaken without entering commission of the offence in the station house diary. However, reliance on said decision is misplaced, as mere receipt of bald information regarding commission of an offence does not necessarily require entry in the station house diary or registration of an FIR. In order to ascertain whether prima facie material exists to constitute an offence, a preliminary enquiry is necessary enabling the officer to collect prima-facie materials, though informally, for the purpose of determining whether an FIR should be registered and further investigation is to be undertaken or not.

36. The learned Senior Advocate has further raised a contention regarding the competency of the Police Inspector to conduct investigation in view of Section 17 of the Prevention of Corruption Act. Section 17 deals with persons authorised to investigate. As per Section 17(b), the Assistant Commissioner

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[12] AIR 2001 SC 2113

of Police is authorised to investigate into the matter, and as per Section 17(c), a Deputy Superintendent of Police or a police officer of equivalent rank is competent to investigate any offence punishable under the Act without the order of the Magistrate. The first proviso to Section 17 states that a police officer not below the rank of Inspector of Police may also be authorised by the State Government by a general or special order to investigate such offence without the order of the learned Magistrate of the First Class, while the second proviso provides that an offence under Section 13(1)(e) shall not be investigated without the order of a police officer not below the rank of Superintendent of Police.

37. Learned counsel for the respondent produced the copy of the notification issued by the Government dated 20.08.1997, which reads as under:

> *"In exercise of the powers conferred by the first proviso to Section 17 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988), and in permission of notification No.HD 55 PEG 95. Dated 10th April 1996, the Government of Karnataka hereby authorises all the Inspectors of Police Office of the Karnataka Lokayukta for the purpose of the said proviso subject to the general and over all control and supervision by the Lokayuktha or Uplokayukta as the case may be."*

38. By this notification issued under the first proviso to Section 17 of PC Act, all the Inspectors of Police of Karnataka Lokayuktha are vested with the authority to investigate such offences. Hence, the Superintendent of Police, Bengaluru Rural District, authorised the Police Inspector to investigate into the matter initially and subsequently the Deputy Superintendent of Police was authorised to conduct investigation. Prima facie, there is no illegality in conducting investigation as sought to be projected by the petitioner.

39. It is further contended by the learned counsel for the petitioner that, under Section 17A of PC Act, there is a clear bar for the police officers to conduct either enquiry or inquiry or even investigation into any offence alleged to have been committed by the public servant under the PC Act. When constitutional validity of Section 17A of PC Act was challenged, recently, the Apex Court has given split verdict in ***Center for Public Interest Litigation vs. Union of India***[13] which led to the matter being referred to a larger Bench to decide as to whether such protection creates an unfair shield for certain classes of officers or not.

[13] 2026 INSC 55

40. One of the view that was expressed is that Section 17A violates Article 14 as it creates an illegal classification by shielding a specific class of public servants and violates the right to equity. Hence it is unconstitutional and should be struck down. It was viewed that inclusion of Section 17A by Act 16/2018 w.e.f 26.07.2018 is the third attempt by the Government to shield the corrupt officials by blocking even a preliminary enquiry. It prevents the truth from coming out and protects the corrupt officials rather than protecting the honest ones.

41. The other view expressed is that the section is constitutionally valid but must be read down to include stricter safeguards. However, the decision from the larger Bench is awaited in this regard.

42. The next contention urged by the learned counsel for the petitioner is with regard to the validity of sanction accorded by the Board of KPTCL. Section 19 of PC Act deals with previous sanction necessary for prosecution. There is a bar for taking cognizance of an offence punishable under Sections 7, 11, 13 and 15 under the PC Act alleged to have been committed by a public servant, except with the previous

sanction of a competent authority. Under Section 19(c), such sanction is to be accorded by a person having authority competent to remove him from his office.

43. In the present case, the petitioner is admittedly working as an Assistant Executive Engineer in BESCOM. The Indian Electricity Act, 1910 was repealed and the Electricity Act, 2003 was brought into force with effect from 10.06.2003 when it was published in the official gazette. As per Section 185 of the Act, 2003, it repeals the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 and the Electricity Regulatory Commission Act, 1998. As per the saving clause, anything done or any action taken or purported to have been done or taken, including any rule, notification, inspection, order or notice made or issued etc., shall insofar as it is not inconsistent with the provisions of 2003 Act, be deemed to have been done or taken under the corresponding provisions of the Act 2003.

44. The learned counsel for the respondent placed reliance on the decisions of the coordinate Bench of this Court in ***P.N.Hanumanthaiah*** *(supra)* where this Court considered an order passed by the Trial Court, discharging the accused, for

the offence under the Provisions of PC Act. It held in paragraph Nos.13, 14, 15 as under :

> *"13. Keeping in mind the ratio in the above decisions, it is necessary to examine whether the trial Court is justified in discharging accused No.1. The one and the only reason given by the trial Court to discharge accused No.1 is that the sanction order granting permission to prosecute him is not issued by the Board and therefore it is not valid. Of course, there is no dispute that at the relevant point of time, accused No.1 was working as Assistant Executive Engineer (Elec), BESCOM and the Provisions of the 1987 Regulations are applicable. As per Resolution passed by the Board in its 79th meeting dated 24.08.2011, the Schedule V and VI of 1987 Regulations are amended and according to it, authority appointing the Assistant Executive Engineer (Elec) is the Director (Admn & HR).*
>
> *14. As per order dated 20.03.2002 in KPTCL/B.37/B.21/5710/2001-02 Bangalore, Clause(f) is added to Regulation 14A to the effect that in the respect of cases of criminal prosecution investigated either by the Lokayukta or by any other authorities, the appointing authorities specified in the schedules to these regulations, competent to impose the penalty of removal on the accused employee shall, if they deem fit after verifying that record, accord sanction to prosecute the accused employee. On the outcome of the said criminal case, the Appointing Authority of the post of the said criminal case, the appointing authority of the post of the said employee shall be competent to take further action.*
>
> *15. <u>Thus as per these amendments, the Appointing Authority is authorized to remove the employee and also empowered to issue the sanction order. Without referring to these subsequent amendments and insertions, the trial Court referring to the old regulations has come to a wrong conclusion that the sanction issued by Director (Admn & HR) is not valid, and therefore, accused No.1 is entitled for discharge. The trial Court has also failed to consider the ratio in the above decisions which provide that in case of sanction</u>*

order being there, its validity is required to be appreciated at the trial and not at the threshold."

(emphasis supplied)

45. The learned counsel for the respondent has also placed reliance on the decision of the coordinate Bench of this Court in and ***Sri.Jaikumar A.***, *(supra)* wherein it has held at paragraph Nos.18 to 26 as under:

"18. There is no dispute that under Regulation 10A(1) of the Regulations, 1987, the Board is competent to initiate disciplinary proceedings against any other employee of the Board. The said provision also enables any other authority empowered by the Board in general or by special order to initiate disciplinary proceeding against the Board employee.

19. Regulation 10A(1)(b) of Regulations, 1987 enables the Board to direct initiation of disciplinary proceeding against such employees, by the disciplinary authority competent to impose penalties specified in Regulation 9.

20. Regulation 10A-(2) of Regulations, 1987 refers to schedules V, VI, VII and VIII in Regulations, 1987. And the said provision also provides that Disciplinary Authority named in schedules V, VI, VII and VIII, competent to impose penalties specified in Clauses (i) to (iv) (a) of Regulations, 1987, may initiate the disciplinary proceeding to impose penalties specified in Clauses (v) to (viii) of Regulation-9.

21. In other words, under Regulation 10A(2), the power is also conferred on the authority competent under schedules V, VI, VII and VIII of the Regulations, 1987 to initiate disciplinary proceedings, for imposing penalties specified in clauses (v) to (viii) if the authority is also competent to impose penalty specified in clauses (i) to (iv) of Regulation 9 of Regulations, 1987.

22. The question is, "Whether Director, Administration and Human Resources is the competent authority to impose the *penalty of dismissal as provide in clauses (v) to (viii) of Regulation 9?"*

23. Under the schedule provided to Regulations, 1987, it is noticed that the Director, Administration and Human Resources is the competent person to appoint Assistant Executive Engineer. This was the position before the amendment to Regulations, 1987 and even after the amendment.

24. In addition to that, it is also noticed that the Director, Administration and Human Resources is also an authority competent to impose the penalty of dismissal as provided under Regulation 9(viii). Though there is an amendment to the said schedule, even after the amendment, the position remains the same as far as the power to impose penalty is concerned. The said power is conferred to remove the person in the cadre of Assistant Executive Engineer.

25. <u>The Trial Court has proceeded on the assumption that amendment requires Notification in the Official Gazette and in the absence of such Notification, the amendment cannot be given effect to. Though the amendment requires Notification and unless there is a Notification, the amendment cannot be given effect to, what is required to be noticed is even before the amendment, the power to impose penalty of removal from service is conferred.</u>

<u>26. This being the position, this Court is of the view that Regulations, 1987 enables the Appointing Authority to impose penalty of dismissal also enables to grant under</u>

<u>Section 19(1)(c) of Act, 1988.</u>

(emphasis supplied)

46. A specific contention appears to have been raised in the said case before the Trial Court that Karnataka Electricity Board Regulations, the Board is the competent authority to remove the employee and to issue the sanction to prosecute

the accused. But the sanction order was issued by the Director (Admin & HR) of KPTCL and hence the same is not valid. This court after considering the contentions raised by both the parties held that the accused No.1 in the said case was working as Assistant Executive Engineer (Elec.), BESCOM and that the provisions of 1987 Regulations were applicable to him. It was noticed that a resolution was passed by the Board in its meeting dated 24.08.2011 and Schedule V and VI of 1987 Regulations were amended. According to which, the authority appointing the Assistant Executive Engineer (Electrical) is the Director (Admin and HR). The court has also referred to the order dated 20.03.2002, where clause (f) is added to Regulation 14(A) to the effect that in respect of the cases of criminal prosecution investigated either by the Lokayuktha or by any other authorities, the appointing authorities specified in the schedule to these Regulations, who are competent to impose the penalty of removal of the accused employee shall accord sanction to prosecute the accused. Therefore, it was held that the appointing authority is authorized to remove the employee and therefore, empowered to issue sanction. The Court noticed that the subsequent amendments and the insertions were not referred to by the Trial Court and thereby it has arrived at a wrong conclusion.

47. Thus, the co-ordinate Benches of this Court in ***P. N. Hanumanthaiah*** *(supra) and* ***Jaikumar A.S***. (*supra*) consistently held that even though the Act of 2003 came into force by repealing Act of 1910, and the Regulations, 1948, there is no requirement of once again notifying the authority of the Board and the competent authority to accord sanction, as the authority already vested in the Board was never taken away. When the Board is the appointing authority, which also has the authority to remove the employee from service, it is the competent authority referred to under Section 19(1) of PC Act.

48. In view of the above, this Court consistently held that the sanction accorded by the appointing authority who is authorized to impose penalty of dismissal from service is competent to accord sanction. The Court has made it further clear that even before the amendment, the power to impose penalty of removal from service was conferred. Since the same is not inconsistent with the amended provision, the contention

raised by the learned counsel for the petitioner in that regard cannot be accepted.

49. Moreover, under the Karnataka Electricity Board (KEB) Employees' Services (Conduct) Regulations 1988. The Board is defined as the Karnataka Electricity Board constituted under Section 5 of the Electricity (Supply) Act, 1948. It is to be noticed that as per Section 2(7) of the Act, 2003, The word 'Board' is defined as a State Electricity Board, constituted before the commencement of this Act, under sub-section (1) of Section 5 of the Electricity (Supply) Act, 1948. Therefore, even though the old Act of 1910 was repealed, and the Electricity Act of 2003 was enacted, the definition of the word Board means the same Board, which was constituted before the commencement of the new Act, under Section 5.1 of the Electricity Supply Act of 1948.

50. It is brought to the notice of the court that KPTCL, which took over the erstwhile Karnataka Electricity Board (KEB) has passed a resolution dated 22.06.2021. As per Order No.KPTCL/B84/24333/2021-21, a resolution was passed by the Board of Directors of KPTCL at its 124th meeting held on 09.04.2021 and the name of the existing rules i.e. Karnataka

Electricity Board Employees (Classification, Disciplinary Control and Appeal) Regulations (CDC&A) was renamed as Karnataka Power Transmission Corporation Ltd. Employees (Classification, Disciplinary control and Appeal) Regulations. Moreover, approval was accorded to adopt Karnataka State Civil Services (Conduct) Rules 2021 issued by the Government of Karnataka vide Notification dated 07.01.2021 mutatis mutandis in KPTCL as annexed to the KPTCL Employees Service (Conduct) Regulations, 2021. Therefore, it is clear that the Karnataka Electricity Board Employees (Classification, Disciplinary Control and Appeal) Regulations, 1987 is renamed as KPTCL Employees (Classification, Disciplinary Control and Appeal) Regulations and it is applicable till date.

51. As per this regulation, appointing authority as per Section 2(a) in relation to a Board means, the Authority which appointed the Board Employee to such service grade or post, as the case may be, whichever authority is the highest Authority. As per Section 2(b), Disciplinary Authority in relation to imposition of penalty on a Board Employee means the Authority competent under these regulations to impose him that penalty.

52. As per Section 2(a) of the Karnataka Electricity Board Employees' (Classification, Disciplinary, Control and Appeal) Regulations, 1987, the appointing and disciplinary authorities are defined as under:

> *"2 INTERPRETATION:- In these Regulations, unless the context otherwise requires:-*
>
> *a) **'APPOINTING AUTHORITY'** in relation to a Board employee means:-*
>
> *i) the authority empowered to make appointments to the service of which the Board employee is for the time being a member or to the grade of the service in which the Board employee is for the time being included, or*
>
> *iI) the authority empowered to make appointments to the post which the Board.employee for the time being hold, or*
>
> *iii) the authority which appointed the Board employee to such service; grade or post, as the case may be, which ever authority is the highest authority*
>
> *b): **'DISCIPLINARY AUTHORITY'** in relation to the imposition of a penalty on a Board employee means the authority competent under these Regulations to impose on him that penalty:"*

53. Furthermore, as per Section 2(c), the Board employee is defined as under:

> "c*) 'BOARD EMPLOYEE' means a person on monthly rate of pay in any establishment in the Board and includes any person whose services are temporarily placed at the disposal of the Central / State Government or a Local Authority, whether working in the Board or on deputation to the Government or anyother organisation."*

54. Section 10(A) the Regulation prescribes Authority to institute proceedings. As per Section 14(A) of the Regulation, special procedure is explained in certain cases of misconduct.

55. Section 7 of the Regulation, 1987 reads as under:

> *"7. **APPOINTMENTS TO BOARD SERVICES** :*
>
> *1) Save as otherwise provided, all first appointments to the Board services in Groups - A, B, C and D shall be made by the Authorities specified in the Schedule - I, II, III and IV from time to time."*

56. As per Schedule II(A), the Chief Engineer Electricity (General) is the appointing authority for the Assistant Executive Engineer (Electrical). In the present case the very same Chief Engineer has accorded sanction for and on behalf of the Board. On going through the above-mentioned definitions of the appointing authority, disciplinary authority, board employee and the schedules attached to the Regulation, 1987 therein, it is clear that all the ingredients of Section 19 of PC Act for according sanction have been met. Thus, I do not find any irregularly or illegality in such sanction. Since, the accused was appointed by the Board and the Chief Engineer is the Appoint

Authority, it is the Board, represented by such Chief Engineer is competent to remove him.

57. The next contention take by the learned counsel for the petitioner is that, since the Indian Electricity (Supply) Act, 1948, has been repealed with the enactment of Electricity Act, 2003, the Board had no jurisdiction to accord sanction. He placed heavy reliance on the decision of this Court in ***V. Venkatasiva Reddy Vs. State By Karnataka Lokayukta***[14], where the co-ordinate Bench of this Court considered the sanction accorded by KPTCL, for prosecuting its employee and held that, the KPTCL had not notified the regulation in terms of Section 79(c) of the Electricity (Supply) Act, 1948. A resolution has been passed by the Board to include Regulation 14(A)(f) which empowered the appointing authority to accord sanction for prosecution in cases investigated by Lokayuktha. But the Court found that, since the Electricity (Supply) Act, 1948 has been repealed by the Electricity Act, 2003 and there was no official notification in terms of Section 79 of the erstwhile Act, the Karnataka Electricity Board stood dissolved and KPTCL has been registered as Company during 1999, for which there is no

[14] Crl.P.No.7157/2016 dated 28.10.2016

stipulation under the Act, 2003. Therefore, it was held that the sanction that was accorded by the Board after the enactment of Electricity Act, 2003, is not a sanction in the eye of law.

58. It was also held by the Co-ordinate Bench that if there was a regulation under the erstwhile regulations and power to grant such a sanction was traceable to the same, the same position would continue as on date and the ambiguous situation claiming that erstwhile regulations would apply would be insignificant. It is also held that if this is accepted then sub clause (f) of Regulation 14(A) has never been laid before the legislature nor notified in the gazette. This would lead to a chaotic situation whether or not the authority had power to grant a sanction. Consequently, the sanction order that is sought to be relied upon is not a sanction in the eye of law.

59. The learned counsel for the respondent placed on record the order dated 24.01.2017 passed by the very same Hon'ble Judge in Criminal Petition No.9358/2016 with connected matters in ***G. Krishnamoorthy Vs. Karnataka Lokayuktha*** to contend that the same Bench has subsequently acknowledged that the order passed in ***V. Venkatasiva Reddy***

(*supra*) was a mistake, and ignoring the provisions that are in the statute. The Co-ordinate Bench in ***G. Krishnamoorthy*** (*s*upra) passed the following order.

> *"The Counsel for the petitioners seek permission of the court to withdraw the petitions with liberty to approach the trial Court in an appropriate application.*
>
> *2. Special Public Prosecutor however would point out that there is an order of this Court passed in almost similar circumstances, where it has been held that there is no statutory sanction for the Regulations under which sanction has been ordered. This however was without reference to certain provisions which have not been brought to light and considered by this court. This aspect of the matter is left open.*
>
> *The petitions are dismissed as withdrawn with liberty to approach the trial Court."*

60. Even though learned counsel for the respondent contended that the reference in paragraph No.2 extracted above is to the decision in ***V. Venkatasiva Reddy*** (*supra*), learned counsel for the petitioner disputes the said fact contending that there is no specific reference to ***V. Venkatasiva Reddy*** (*supra*) and therefore it cannot be accepted.

61. The respondent in the above case is Karnataka Lokayuktha, where the accused filed similar petition under

Section 482 Cr.PC seeking to quash the criminal proceedings initiated against him for the offence under Section 7, 13(1)(d) R/w Section 13(2) of Prevention of Corruption Act. However, The learned counsel for the petitioners sought permission to withdraw the petition with liberty to approach the Trial Court. The Special Prosecutor in the said case specifically brought to the notice of the Court about the order passed in almost similar circumstances holding that there was no statutory sanction for the regulations under which the sanction has been accorded. That exactly is the order passed by the said Bench in ***V. Venkatasiva Reddy*** *(supra)*. The court has specifically stated that the said order was passed without reference to the provisions which have not been brought to light and considered by the court and hence the same is left open. Therefore, I do not find any reason to reject the contention of the learned counsel for the respondent. Hence, no reliance could be placed on ***V. Venkatasiva reddy*** (*supra*).

62. The last contention raised by the petitioner is with regard to the jurisdiction of the SP/DY.SP Bengaluru Rural District either to permit registration of FIR or to investigate and file final report on the ground that the petitioner was working

within Bengaluru Urban District. The materials on record discloses that the accused had worked at various places during the check period and finally was working at Peeenya, Bengaluru Urban. As per SIR, the petitioner has accumulated wealth in the form of movable and immovable properties at different places, while working at various stations. The offence alleged is a continuing one which appears to have been committed in more local areas than one. The SIR and the final report discloses that the petition had immovable properties within the Bengaluru Urban and Rural Districts.

63. Section 178 CR.P.C and Section 198 of the present BNSS refer to the place of inquiry or trial and where the offence is continuing one and committed partly in one local area and partly in another, or when such offence consists of several acts done in different local areas, like the one in the present case, such offence may be enquired into or tried by a Court having jurisdiction over any of such local areas. Therefore, I do not find any merits in the contention that is raised in this regard.

64. The Prevention of Corruption Act, 1988 is the primary legislation. Karnataka Lokayuktha is an institution having dual function to investigate and enquire under

Lokayuktha Rules and also under the Provisions of PC Act. The officers working under Karnataka Lokayuktha Act and Rules are the police officers working on deputation. The Apex Court in ***C. Rangaswamaiah Vs.Karnataka Lokayuktha***[15] already held that the police officers on deputation to Lokayuktha do not lose their powers to investigate the offences under the Provisions of PC Act, 1988. They act as police officers under Cr.PC while investigating the offences under PC Act.

65. In the present case, admittedly, the final report came to be filed after investigation by the DYSP, Karnataka Lokayuktha, Bangalore Rural District. As per Section 17(c), the Deputy Superintendent of Police, or a police officer of equivalent rank, is authorized to investigate and submit the final report. Therefore, I do not find any irregularity either in conducting preliminary enquiry, registration of FIR, conducting investigation, in according sanction or in submitting the final report. It is interesting to note that the petitioner has produced only a portion of the final report. The entire final report with enclosures are not produced by the petitioner for the reasons best known to him.

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[15] 1998 AIR SCW 2498

66. From the discussions held above, there are *prima-facie* materials to prosecute the petitioner for the offence alleged. Under such circumstances, I do not find any reason to quash the criminal proceedings. I have no reason to hold that the prosecution is an abuse of process of law. Hence the petitioner is liable for prosecution.

Accordingly, I answer Negative and proceed to pass the following:

ORDER

The petition is ***dismissed*.**

Sd/-
(M G UMA)
JUDGE

BH
CT:VS
List No.: 1 Sl No.: 1