



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 5TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
WRIT PETITION NO. 200516 OF 2026 (GM-RES)**

BETWEEN:

SRI. VEERESH BADIGER
S/O CHIDANAND BADIGER
AGED ABOUT 40 YEARS
WORKING AS RESIDENTIAL SCHOOL TEACHER
BHARATA RATNA DR. B.R.AMBEDKAR
RESIDENTIAL SCHOOL, KALABURGI TALUK
KALABURAGI DISTRICT-585102

...PETITIONER

(BY SRI. SATISH K AND
SRI.RAVI B. PATIL.,ADVOCATES)

AND:

Digitally signed by
SHIVALEELA
DATTATRAYA
UDAGI
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE BY KARNATAKA
LOKAYUKTHA POLICE
REPRESENTED BY ITS
INSPECTOR OF POLICE,
KALABURAGI DISTRICT,
KALABURAGI-585102.
2. DR. RAJSHEKHAR
S/O LAKSHMAN RAO KATTIMANI
AGED ABOUT 50 YEARS,
RESIDING AT PLOT NO.92,
C.I.B. COLONY, KALABURAGI-585103

...RESPONDENTS

(BY SRI.GOURISH S. KHASHAMPUR, SPL. COUNSEL FOR R1)



THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, R/W SEC.528 OF BNSS, PRAYING TO A) CALL FOR RECORDS FROM THE RESPONDENT NO.1 PERTAINING TO THE IMPUGNED CHARGE SHEET DATED 11.08.2022 (WHICH IS WRONGLY SHOWN AS 17.01.2020) IN SPECIAL CASE (CORRUPTION) NO.5/2022. B) ISSUE WRIT OR ORDER QUASHING THE IMPUGNED CHARGE SHEET DATED 11.08.2022 (WHICH IS WRONGLY SHOWN AS 17.01.2020) FOR THE OFFENCE PUNISHABLE UNDER SECTION 7 (1)(b) OF THE PREVENTION OF CORRUPTION ACT, 1988 FILED BY THE THEN ANTI-CORRUPTION BUREAU, KALABURAGI DISTRICT (NOW TRANSFERRED TO RESPONDENT NO.1 - KARNATAKA LOKAYUKTA POLICE, KALABURAGI DISTRICT) (ANNEXURE-H) AND ALL PROCEEDINGS PURSUANT THERETO, PENDING ON THE FILE OF THE HONOURABLE PRINCIPAL DISTRICT AND SESSIONS COURT, KALABURAGI IN SPECIAL CASE (CORRUPTION) NO.5/2022 (ANNEXURE-J) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Articles 226 and 227 of the Constitution of India, to quash the charge sheet against the petitioner/accused in Spl.CCorr No.5/2022, arising out of Crime No.5/2020, registered by Lokayukta Police, Kalaburagi, for the offence punishable under section 7(1)(b) of Prevention of Corruption Act, 1988 (Amendment 2018), (for short "the P.C. Act."), pending on the file of Prl. District and Sessions Court, Kalaburagi.



2. The abridged facts of the case are, the complainant/respondent No.2 is the Secretary of Mohan Raja Educational Institution. The said Institution is running under Society for Rural and Urban Development Action, Kalaburagi. Things stood thus, in order to grant the stipend to the students of MSW from the Social Welfare Department, the petitioner/accused-Veeresh Badiger used to verify and place the records before the higher authorities for disbursement of stipend to the Bank accounts of the students. Accordingly, the stipend for the year 2018-19 was sanctioned, at that time, the petitioner demanded Rs.1,000/- illegal gratification from two students for disbursement of their stipend.

3. On 14.05.2020 at about 01:20 p.m., respondent No.2 visited the office of the petitioner by switching on the voice recorder in his mobile phone and met the petitioner. At that time, the petitioner demanded Rs.2,000/- from respondent No.2. However, he with an assurance of payment of the same, left the office and lodged the complaint before respondent No.1-Police along with the voice recorder on 18.05.2020. The same was registered in Crime No.05/2020 against the



petitioner for the offence punishable under Section 7(1)(b) of P.C Act. Thereafter on 18.05.2020, respondent No.1-Police conducted entrustment panchanama and thereafter conducted the trap proceedings on the same day successfully and recovered tainted money of Rs.2,000/- at the instance of petitioner and caught hold him. Pursuantly, Lokayukta officials washed the hands of accused, which turned into pink color, which envisaged that accused had accepted the bribe amount as per his demand. Thereafter, respondent No.1-Police drawn panchanama and arrested the petitioner and produced him before the learned Special Judge and thereby sent him to judicial custody. After completing investigation, respondent No.1-Police laid charge sheet against him for the aforementioned offence. Aggrieved by the same, the petitioner is before this Court to quash the proceedings against him.

4. Heard learned counsel for the petitioner and learned Special counsel for respondent No.1.

5. Apart from urging several contentions, learned counsel for the petitioner contended that, on perusal of the charge sheet materials, no offence has been made out against



the petitioner under Section 7(a) of the P.C. Act, since the prosecution failed to place *prima facie* materials to prove the ingredients of the offence i.e., (a) demand (b) acceptance and (c) work entrustment or work pending. According to him, at no point of time, the petitioner has demanded the illegal gratification and the conversation allegedly recorded by respondent No.2 do not disclose such conversation as stated in the trap mahazar by the Investigation Officer and the panch witnesses.

6. He further contended that the tainted money was allegedly recovered from the table of the petitioner. Though the hands of petitioner were washed with Sodium bicarbonate solution, the same did not turn into pink color. Further, there was no work of respondent No.2 entrusted to the petitioner during trap and the records were seized from a different office. In such circumstance, the prosecution utterly failed to place *prima facie* materials to prove the demand, acceptance and work pendency by the petitioner.

7. He further contended that, in the Departmental Enquiry proceedings, the enquiry report submitted by the



Departmental Enquiry, exonerated the petitioner from the charges leveled against him. In such circumstance, by relying on the judgment of the Hon'ble Apex Court in the case of ***Ashoo Surendranath Tiwari vs. Deputy Superintendent of Police, EOW, CBI and Another*** reported in **2020 (9) SCC 636**, he submits that the standard of proof in criminal proceedings is much higher than departmental proceedings and the departmental proceedings itself exonerated, continuation of criminal proceedings against the petitioner is nothing but abuse of process of Court. Accordingly, he prays to allow the petition.

8. *Per contra*, learned Special counsel for respondent No.1-Lokayukta contended that, it is settled position of law by this Court and the Hon'ble Apex Court in catena of judgments that exoneration of delinquent Government employee in the Departmental Enquiry proceedings cannot, by itself, furnish a ground to quash the criminal proceedings, even if both the proceedings are founded on the same set of facts. According to him, in the instant case, all the witnesses have supported in the Departmental Enquiry proceedings and in such circumstance, as held by the Hon'ble Apex Court in the case of ***T. Manjunath***



vs. State of Karnataka and Another in SLP (Crl.)No(s).11160-11161/2024, in a case where the witnesses turned hostile before the Departmental Enquiry proceedings, though the accused is exonerated, the criminal charges cannot be quashed. The exoneration in the Departmental Enquiry proceedings does not *ipso facto* furnish a ground for dropping criminal proceedings more particularly in trap cases. However, in the instant case, all the witnesses have supported in the Departmental Enquiry proceedings and there is every possibility of them supporting in the criminal proceedings. In such circumstance, he prays to dismiss the petition.

9. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents made available before this Court.

10. On perusal of the complaint and charge sheet materials, it is not in dispute that the petitioner exonerated in the Departmental Enquiry proceedings, despite all the witnesses have supported. It is also not in dispute, the



witnesses in the Departmental Enquiry proceedings are also the witnesses in the criminal proceedings.

11. It is settled position of law by the Hon'ble Apex Court in the case of ***Radheshyam Kejriwal vs. State of West Bengal and Another*** reported in ***2011 (3) SCC 581*** that, the adjudication proceedings and the criminal proceedings are independent in nature to each other and the finding against the person facing prosecution in the adjudication proceedings is not binding on the proceedings for criminal prosecution. In the instant case, since all the witnesses have supported in the Departmental Enquiry proceedings, quashing of criminal proceedings does not arise, though the petitioner exonerated in the Departmental proceedings.

12. The Hon'ble Apex Court in the case of ***Anil Bhavarlal Jain and Another vs. State of Maharashtra and Others in Special Leave Petition (Crl.)No.10078/2023 and 12776/2023*** held that, in a case registered under the special statute i.e., P.C. Act, quashing of the offences under the said act would have a grave and substantial impact not just on the parties involved, but also on the society at large.



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

"8. Exercise of power under Section 482 of the Cr.P.C. in a case of this nature is the exception and not the rule. The Section does not confer any new powers on the High Court. It only saves the inherent power which the Court possessed before the enactment of the Cr.P.C. I envisages three circumstances under which the inherent jurisdiction may be exercised, namely, (i) to give effect to an order under the Cr.P.C., (ii) to prevent abuse of the process of court, and (iii) to otherwise secure the ends of justice. It is neither possible nor desirable to lay down any inflexible rule which would govern the exercise of inherent jurisdiction. No legislative enactment dealing with procedure can provide for all cases that may possibly arise. Courts, therefore, have inherent powers apart from express provisions of law which are necessary for proper discharge of functions and duties imposed upon them by law. That is the doctrine which finds expression in the section which merely recognizes and preserves inherent powers of the High Courts. All courts, whether civil or criminal possess, in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice on the principle "quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsae esse non potest" (when the law gives a person anything it gives him that without which it cannot exist). While exercising powers under the section, the court does not



function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised ex debito justitiae to do real and substantial justice for the administration of which alone courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the report, the court may examine the question of fact. When a report is sought to be quashed, it is permissible to look into the materials to assess what the report has alleged and whether any offence is made out even if the allegations are accepted in toto.

11. As noted above, the powers possessed by the High Court under Section 482 of the Cr.P.C. are very wide and the very plenitude of the power requires great caution in its exercise. Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court being the highest court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so



when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard and fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceeding at any stage. (See: Janata Dal v. H. S. Chowdhary, [1992] 4 SCC 305, and Raghubir Saran (Dr.) v. State of Bihar, AIR (1964) SC 1). It would not be proper for the High Court to analyse the case of the complainant in the light of all probabilities in order to determine whether a conviction would be sustainable and on such premises arrive at a conclusion that the proceedings are to be quashed. It would be erroneous to assess the material before it and conclude that the complaint cannot be proceeded with. When an information is lodged at the police station and an offence is registered, then the mala fides of the informant would be of secondary importance. It is the material collected during the investigation and evidence led in court which decides the fate of the accused person. The allegations of mala fides against the informant are of no consequence and cannot by themselves be the basis for quashing the proceedings. (See: Dhanalakshmi v. R. Prasanna Kumar, [1990] Supp SCC 686, State of Bihar v. P. P. Sharma, AIR (1996) SC 309, Rupan Deol Bajaj v. Kanwar Pal Singh Gill, [1995] 6 SCC 194, State of Kerala v. O.C. Kuttan, AIR (1999) SC 1044, State of U.P. v. O.P.



Sharma, [1996] 7 SCC 705, Rashmi Kumar v. Mahesh Kumar Bhada, [1997] 2 SCC 397, Satvinder Kaur v. State (Govt. of NCT of Delhi, AIR (1996) SC 2983 and Rajesh Bajaj v. State NCT of Delhi, [1999] 3 SCC 259).

14. It is to be noted that the investigation was not complete and at that stage it was impermissible for the High Court to look into materials, the acceptability of which is essentially a matter for trial. While exercising jurisdiction under Section 482 of the Cr.P.C., it is not permissible for the Court to act as if it was a trial Court. Even when charge is framed at that stage, the Court has to only *prima facie* be satisfied about existence of sufficient ground for proceeding against the accused. For that limited purpose, the Court can evaluate material and documents on records but it cannot appreciate evidence. The Court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused. In *Chand Dhawan (Smt.) v. Jawahar Lal and Ors., [1992] 3 SCC 317*, it was observed that when the materials relied upon by a party are required to be proved, no inference can be drawn on the basis of those materials to conclude the complaint to be unacceptable. The Court should not act on annexures to the petitions under Section 482 of the Cr.P.C., which cannot be termed as evidence without being tested and proved." (Emphasis supplied)



9. *The above decisions of the Hon'ble Supreme Court make it abundantly clear that the Courts should be slow in exercising the power under Section 482 of Cr.P.C. especially where serious allegations of Corruption by public servants are made."*

14. In the instant case, as discussed supra, the primary ingredients of the offence punishable under Section 7(1)(b) of P.C. Act is made out by the prosecution and the same has to be tested in a detailed trial. This Court cannot conduct a mini trial, at this stage, to hold that whether the accusation made against the petitioner will prove or not. On an entire perusal of charge sheet materials, I am of the view that, continuation of criminal proceedings against the petitioner will not amount to abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

The Writ Petition is ***dismissed***.

Sd/-
(RAJESH RAI K)
JUDGE