



IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 202030 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

MANJUNATH
S/O VIJAYAKUMAR JILLE
AGE: 36 YEARS
OCC: JUNIOR ASSISTANT
CUM DATA OPERATOR, KKRTC
DIVISIONAL OFFICE
BIDAR DIVISION
R/O DUBALGUNDI VILLAGE
TAL: HUMNABAD, DIST: BIDAR-585418.

...PETITIONER

(BY SRI. YELI PRAKASH B AND
SRI. NITESH PADIYAL, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
THROUGH SHO
LOKAYUKTA POLICE STATION
BIDAR, REP. BY
THE SPECIAL PUBLIC PROSECUTOR
HIGH COURT BUILDING
KALABURAGI-585102.
2. VIDYADHAR
S/O SHIVARAM SAGAR
AGE: 49 YEARS
OCC: DRIVER CUM CONDUCTOR-96
KKRTC, BIDAR DIVISION, BIDAR.





NOW AT HUMNABAD UNIT
R/O: MUDABI, TAL: BASAVAKALYANA
DIST: BIDAR-585437.

...RESPONDENTS

(BY SRI. GOURISH S. KHASHAMPUR ADV., FOR R1;
V/O DTD 12.12.2025 NOTICE TO R2 IS DEFERRED
FOR THE BEING)

THIS CRL.P IS FILED U/S. 528 OF BNSS, U/SEC 482 OF CR.P.C. PRAYING TO ALLOW THIS CRIMINAL PETITION AND QUASH THE IN CRIME NO.01/2024 ON THE FILE OF LOKAYUKTA POLICE STATION, BIDAR, REGISTERED FOR THE COMMISSION OF OFFENCE PUNISHABLE UNDER SECTION 7(a) OF PC ACT, AS AGAINST THE ACCUSED NO.1/PETITIONER HEREIN PENDING ON THE FILE OF PRL. DISTRICT AND SESSIONS JUDGE AT BIDAR IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the FIR against the petitioner/accused in Crime No.1/2024, registered by Karnataka Lokayukta Police, Bidar, for the offence punishable under section 7(a) of Prevention of Corruption Act, 1988 (Amendment 2018), (for short "the P.C. Act."), pending on the file of Prl. District and Sessions Judge, Bidar.



2. The abridged facts of the case are, respondent No.2-Vidyadhar was working as a driver-cum-conductor at Basavakalyana Unit. On 11.06.2023 in duty hours, while he was proceeding from Basavakalyana to Bengaluru, after crossing Shahapur near Huttigudur, the officials checked the tickets and found a passenger traveling without holding ticket. As such, a memo was issued to respondent No.2. Later, he was suspended by the Divisional Controller, KKRTC, Bidar. However, respondent No.2 was reinstated after initiating the case against the suspension order and he was deputed to Humnabad Unit.

3. During the Departmental Enquiry, the Divisional Controller issued notice to respondent No.2 on 17.01.2024. Accordingly, he approached the Divisional Controller on 30.01.2024 by giving reply and at that time, the petitioner-Manjunath, being SDA, informed respondent No.2 that in order to close two cases against him, he would persuade the Divisional Controller and for the same, respondent No.2 has to pay illegal gratification to the Divisional Controller. Accordingly, he informed respondent No.2 to meet him on the next day. Agreeing for the same, respondent No.2 left the office. Since, respondent No.2 was unable to pay the said illegal gratification,



approached respondent No.1-Police and gave information. As per the direction of respondent No.1-Police along with voice recorder, he approached the office of Divisional Controller, KKRTC, Bidar and at that time, the petitioner came and demanded Rs.20,000/- for each case, however, respondent No.2 requested to reduce the amount, for which petitioner assured him that he would consider the same after discussing with Divisional Controller and finally, it was fixed for Rs.35,000/- for both the cases. Hence, respondent No.2 lodged a complaint before respondent No.1-Police on 05.02.2024 along with the voice recorder and the same came to be registered in Crime No.5/2020 for the aforementioned offence.

4. Subsequently, on the same day i.e., 05.02.2024, respondent No.1-Police conducted entrustment panchanama and held a trap and arrested petitioner/accused No.1 and accused No.2 one Ravindra, who received the tainted money from respondent No.2 one behalf of petitioner. Accordingly, respondent No.1-Police produced them before the Court and remanded to judicial custody. Aggrieved by the same, the petitioner/accused No.1 preferred this petition.



5. Heard learned counsel for the petitioner and learned Special counsel for respondent No.1. Though notice is served to respondent No.2, he remained absent.

6. Apart from urging several contentions, learned counsel for the petitioner contended that, on perusal of the complaint and FIR, no offence has been made out against the petitioner under Section 7(a) of 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.

7. He further contended that the tainted money was allegedly recovered from accused No.2. As such, no offence has been made out against the petitioner, since the ingredient of "acceptance" under Section 7 of P.C Act is not satisfied. Further, there was no work of respondent No.2 entrusted to the petitioner and the call details placed by respondent No.1-Police



reveals that respondent No.2 himself insisted to receive the bribe amount without any demand by the petitioner. Hence, he contended that, even if the allegations made in the FIR taken on its face value and accepted in its entirety, the same do not *prima facie* constitute any offence against the petitioner. To buttress his arguments, he relied the order of Co-ordinate Bench of this Court in W.P.No.104236/2023 dated 23.01.2024. Accordingly, he prays to allow the petition.

8. *Per contra*, learned Special counsel appearing for respondent No.1 opposed the petition by contending that there is a clear demand of illegal gratification by the petitioner and the same is recorded in a voice recorder and the conversation between the petitioner and respondent No.2 found in the pre-trap panchanama depicts that the petitioner demanded illegal gratification for closing two cases pending against respondent No.2. He also contended that the illegal gratification was received by accused No.2 on behalf of the petitioner and the petitioner assured respondent No.2 that he would get close two cases pending against him. In such circumstance, it cannot be said that the petitioner has made out a *prima facie* case to



quash the proceedings. Accordingly, 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 other documents, it could be gathered that the complaint lodged by respondent No.2 for demand of illegal gratification of Rs.35,000/- by the petitioner to close two cases pending against him. The investigation materials, more particularly, the voice recording held between the petitioner and respondent No.2 reveals that, on 02.02.2024 the petitioner demanded Rs.20,000/- each for getting close two cases pending against respondent No.2. Though, the petitioner has not received the bribe amount, the same was received by accused No.2 on behalf of the petitioner. In such circumstance, Section 7(a) of the P.C Act *prima facie* attracts against the petitioner.

11. The entire matter is at pre-mature stage and the investigation has not proceeded with, except some preliminary effort taken on the date of registration of the case. The



evidence has to be gathered after a thorough investigation and placed before the Court on the basis of which alone, Court can come to a conclusion one way or other on the plea of malafides. If the allegations are bereft of truth and made malicious, the investigation will reveal the same. At this stage, when there are only allegations and recriminations but no evidence, this Court cannot anticipate the result of the investigation and render a findings on the question of malafides on the materials at present available. Therefore, it cannot be said that the complaint should be thrown overboard on the mere unsubstantiated plea of malafides. Even assuming that the complaint has filed on account of personal animosity, that by itself will not be a ground to discard the complaint containing serious allegations, which have to be tested and weighed after the evidence is collected.

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

"8. Exercise of power under Section 482 of the Cr.P.C. in a case of this nature is the exception and not the rule. The Section does not confer any new powers on the High Court. It only saves the inherent power which the Court possessed before the enactment of the Cr.P.C. I envisages three circumstances under which the inherent jurisdiction may be exercised, namely, (i) to give effect to an order under the Cr.P.C., (ii) to prevent abuse of the process of court, and (iii) to otherwise secure the ends of justice. It is neither possible nor desirable to lay down any inflexible rule which would govern the exercise of inherent jurisdiction. No legislative enactment dealing with procedure can provide for all cases that may possibly arise. Courts, therefore, have inherent powers apart from express provisions of law which are necessary for proper discharge of functions and duties imposed upon them by law. That is the doctrine which finds expression in the section which merely recognizes and preserves inherent powers of the High Courts. All courts, whether civil or criminal possess, in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice on the principle "quando lex aliquid alicui concedit, concedere videtur et id



sine quo res ipsae esse non potest" (when the law gives a person anything it gives him that without which it cannot exist). While exercising powers under the section, the court does not function as a court of appeal or revision. Inherent jurisdiction under the section though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself. It is to be exercised *ex debito justitiae* to do real and substantial justice for the administration of which alone courts exist. Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent abuse. It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the report, the court may examine the question of fact. When a report is sought to be quashed, it is permissible to look into the materials to assess what the report has alleged and whether any offence is made out even if the allegations are accepted in toto.

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



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



Kanwar Pal Singh Gill, [1995] 6 SCC 194, State of Kerala v. O.C. Kuttan, AIR (1999) SC 1044, State of U.P. v. O.P. Sharma, [1996] 7 SCC 705, Rashmi Kumar v. Mahesh Kumar Bhada, [1997] 2 SCC 397, Satvinder Kaur v. State (Govt. of NCT of Delhi, AIR (1996) SC 2983 and Rajesh Bajaj v. State NCT of 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 offences punishable under Sections 7(a) 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. Hence, petition lacks merit and the same is ***dismissed.***

**Sd/-
(RAJESH RAI K)
JUDGE**

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List No.: 1 Sl No.: 16
CT-BH