

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 6147/2025

Dashrath Singh S/o Sh. Banne Singh Shekhawat, Aged About 44 Years, Resident Of House No.99, Shri Ram Nagar- B, Near Niteshwar Mahadev Mandir, P.O. Jhotwara, Sirsi, Jaipur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Sarooparam S/o Sheraram, Gaon Bugdee, Ghantiyalee, Phalodi, District- Phalodi

-----Respondents

For Petitioner(s) : Mr. Manish Kumar with
Mr. Aman Gaur

For Respondent(s) : Mr. Sriram Choudhary, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

05/08/2025

1. By way of filing the present criminal misc. petition under Section 528 of BNSS, the petitioner has challanged the FIR No.126/2025 lodged against him at Police Station CPS Jaipur, ACB Jaipur District, for the offences under Section 7 of the Prevention of Corruption Act, 1988.

2. Learned counsel for the petitioner submitted that in the present case, admittedly, the very attempt to arrest the petitioner on spot on the charge of accepting the bribe (which has failed) may or may not be illegal but the proceedings thereafter, further investigation and lodging of the FIR against the petitioner without the approval of the competent authority is *void ab initio* as the provisions of Section 17-A of the Act of 1988 creates a bar on the

Investigating Officer to proceed further in the matter without prior approval from the Director of the Anti-Corruption Bureau (ACB).

3. In support of this argument, learned counsel for the petitioner has placed reliance on a judgment dated 19.01/2022 rendered by a Co-ordinate Bench of this Court in the case of "**Himanshu Yadav Vs. State of Rajasthan & Ors.**" (S.B. Civil Writ Petition No.17545/2021).

4. The matter requires consideration.

5. Issue notice of the misc. petition as well as stay petition.

6. Learned Public Prosecutor accepts notice on behalf of respondent No.1- State. Let notice be issued to the respondent no.2 only.

7. List the matter on 27.08.2025.

8. In the meanwhile, the petitioner shall not be arrested in connection with FIR No.126/2025 lodged against him at Police Station CPS Jaipur, ACB Jaipur District.

(MUKESH RAJPUROHIT),J