



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

S.B. Criminal Miscellaneous (Petition) No. 1219/2022
CNR: RJHC010165882022 | URN: CRLMP / 3823U / 2022

Ranidan Singh S/o Sawai Singh, Aged About 47 Years, R/o 64, Bhawanipura, Pokhran, Jaisalmer (Raj.) Currently Police Inspector, P.s. Gangashehar, Bikaner.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Surendra Dhariwal S/o Rajpal Dhariwal, Aged About 38 Years, R/o H.no. A-5B, Janakpuri, Delhi P.s. Janakpuri, Delhi.

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 1380/2022
CNR: RJHC010178062022 | URN: CRLMP / 4151U / 2022

Jagdish Kumar S/o Sh. Sadasukh Bishnoi, Aged About 43 Years, R/o Near Rajput Hostel, Nokha, Bikaner Presently Working As Asi, P.s. Gangasahar, Bikaner.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Surendra Dhariwal S/o Rajpal @ Raj Singh, Aged About 38 Years, H.no. A 5B, Janakpuri, Delhi P.s. Janakpuri, Delhi.

-----Respondents

For Petitioner(s)	:	Mr. Vikas Balia, Sr. Advocate assisted by Mr. Sachin Saraswat Mr. C.S. Kotwani with Mr. Manoj Choudhary with Mr. Chinmay Shekhar Kotwani
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP with Mr. Ravindra Singh Bhati, AGA Mr. Rajak Khan for the respondent

HON'BLE MR. JUSTICE SANJEET PUROHIT
Order

- | | | | |
|----|--|----|------------|
| 1. | Date of Conclusion of arguments | :: | 08.07.2026 |
| 2. | Date on which judgment was reserved | :: | 08.07.2026 |
| 3. | Whether the full judgment or only the operative part is pronounced | :: | Full |
| 4. | Date of pronouncement :: | :: | 06.10.2026 |

**Reportable**

1. Present S.B. Criminal Miscellaneous Petitions have been filed seeking quashing of FIR No. 14/2022 registered at Central Police Station, Anti-Corruption Bureau, Jaipur, District Jaipur for offences punishable under section 7 of the Prevention of Corruption Act, 1988 (as amended in 2018) (hereinafter referred to as "*the PC Act*") as well as sections 201 & 384 read with section 120-B IPC, together with all consequential proceedings arising therefrom.

2. The sum and substance of the FIR in question is as follows:

(a) The FIR in question came to be registered on the basis of a complaint submitted by respondent No. 2 - Surendra Dhariwal, alleging that on 08.11.2021, in connection with FIR No. 226/2021 registered at Police Station Gangashahar, petitioner - Jagdish, along with other police personnel, arrived at his shop situated at Delhi, seized cash amounting to ₹1,02,000/- and certain electronic articles, including two mobile phones, three CPUs, two laptops and a DVR, without reflecting the same in the seizure memo, and thereafter arrested him.

(b) Complainant alleged that, after his arrest, he was brought to Bikaner, where petitioner - Ranidan allegedly demanded ₹5 lakhs for his release and upon his refusal, he was implicated in the said case and charge-sheet against him in said case was filed. According to complainant, after being released on bail, he approached petitioners on 07.01.2022 seeking return of the articles allegedly seized from his shop, whereupon petitioners allegedly demanded bribe in consideration of return of the seized items.



(c) Complainant thereafter submitted aforesaid complaint before the Anti-Corruption Bureau, Jaipur ("ACB") and stated that petitioners had called him for meeting on 15.01.2022, when they might demand bribe from him. The ACB thereupon constituted a team for the purpose of demand verification, which accompanied complainant to Bikaner. Equipped with digital audio recording devices, complainant met petitioners on 15.01.2022 and 16.01.2022, and the conversations which took place during said meetings were recorded and subsequently transcribed.

(d) On 15.01.2022, the complainant met only petitioner - Jagdish at the police station and it is alleged that, during said meeting, petitioner - Jagdish though not specifically made any demand of money yet made a gesture indicating that ₹1 lakh out of the cash seized from complainant's shop had been given to petitioner - Ranidan. The meeting with petitioner - Ranidan took place on 16.01.2022, during which it is alleged that he retained one of the CPUs seized from complainant's shop.

(e) It is further alleged that, during the meeting with petitioner - Ranidan, other police personnel at the police station became suspicious of complainant, whereupon it was discovered that conversation was being recorded, whereafter complainant and the ACB official accompanying him were apprehended and detained at the police station. Petitioner - Ranidan is alleged to have thereafter left the police station with the CPUs, the mask-shaped recording device, complainant's mobile phone and power bank.

(f) Upon analysis of the recorded conversations, statements of witnesses and other material collected during demand verification,



the ACB concluded that a *prima facie* case was made out against petitioner - Ranidan, Police Inspector, and petitioner - Jagdish, ASI, for abusing their official position and demanding bribe from complainant.

2.1 Earlier, Coordinate Bench of this Court, vide order dated 08.10.2024, had quashed the FIR in question solely on the ground that prior approval of the competent authority under Section 17A of the PC Act was a *sine qua non* where the alleged offences were stated to have been committed in connection with the discharge of official duties, and since, in the case at hand, according to learned Single Judge, the allegations of demand of illegal gratification against petitioners related to the discharge of their official duties, and as no such prior approval had been obtained, therefore, the registration of the FIR was held to be *void ab initio* and the same was accordingly quashed.

2.2 Aforesaid order dated 08.10.2024 was challenged before the Hon'ble Supreme Court, which, vide order dated 25.08.2025 passed in *Criminal Appeal Nos. 3717-3718 of 2025, Surendra Dhariwal v. State of Rajasthan & Anr.*, set aside the order of this Court and remanded the matter for fresh consideration on grounds other than those relating to prior approval under Section 17A of the PC Act. Relevant part of aforesaid order is reproduced hereinbelow: -

"9. Having regard to the nature of the allegations levelled in the FIR and also considering the genesis of the entire occurrence which led to the filing of the FIR, we are of the view that Section 17A of the Act, 1988 will have no application to the case in hand.





...

12. However, the aforesaid is not the end of the matter. According to Mr. Dave manifold contentions were raised before the High Court to make good the case for quashing of the FIR, however, the High Court thought fit to only look into Section 17A of the 1988, Act and proceeded to quash the FIR.

13. In such circumstances, referred to above, we must set aside the order passed by the High Court and remand the matter(s) to the High Court for giving opportunity to the respondent nos. 2 and 3 respectively to argue other points for the purpose of quashing of the FIRs.

14. **In view of aforesaid, these appeals succeed in part. The impugned order passed by the High Court is set aside and the matter(s) is remanded to the High Court for fresh consideration of both the petitions that is SB Criminal Miscellaneous (PET) No.1219 OF 2022 and SB Criminal Miscellaneous (PET) No. 1380 of 2022 respectively on grounds other than Section 17A of the 1988, Act. The High Court shall hear all the Parties concerned and decide the matter(s) on its own merits in accordance with law."**

(emphasis supplied)

2.3 In view of aforesaid order of remand, present petitions are accordingly being considered afresh on merits, confined to the grounds available to petitioners other than the ground founded upon applicability of Section 17A of the PC Act.

3. Learned counsel appearing on behalf of petitioners submitted that the allegations levelled in the FIR are vague, bald and wholly unsubstantiated. It was contended that neither the allegations contained in the FIR nor the material collected during the course of demand verification disclose the foundational ingredient of the offence alleged, namely, demand of undue advantage, which is



sine qua non for constituting an offence under Section 7 of the PC Act.



3.1 It was further submitted that the complainant had been arrested in connection with FIR No. 226/2021 and the investigation in said FIR had already been completed and the charge-sheet had been filed before learned Trial Court on 22.12.2021. Complainant had also been released on bail and there was nothing further pending in said investigation on the part of petitioners, and therefore, according to learned counsel, the allegation that petitioners thereafter demanded bribe from complainant in connection with said case, particularly for extending favourable treatment to him therein, is not only untenable but also unrealistic in the circumstances of the case.

3.2 Learned counsel further submitted that although complainant alleged that a demand for bribe was made during a telephonic conversation on 07.01.2022, however, neither the alleged conversation nor any call recording, call detail record or other material corroborating such allegation form part of record.

3.3 Learned counsel contended that the FIR in question is principally founded upon the events of 16.01.2022, in relation to which FIR No. 13/2022 was also registered at Police Station Gangashahar, Bikaner, alleging that petitioner - Ranidan had snatched the recording device and obstructed a public servant in discharge of his duties.

It was submitted that, upon completion of investigation in said FIR, Negative Final Report No. 01/2023 dated 02.12.2023 was submitted, concluding that allegations therein were false and





had arisen out of misunderstanding. Therefore, according to learned counsel, the same materially undermined the factual foundation of prosecution's story regarding the events alleged to have taken place on 16.01.2022.

3.4 Learned counsel further submitted that petitioner - Ranidan had played a significant role in the investigation of the REET-2021 cheating racket, including in apprehending its principal accused, Mr. Tulcharam Kaler, as well as the complainant herein, who was identified as a supplier of sophisticated electronic devices allegedly used by the gang. Complainant was arrested on 08.11.2021 in connection with FIR No. 226/2021 and the charge-sheet against him was filed on 22.12.2021, and immediately after having been released on bail, complainant submitted the complaint before the ACB.

According to learned counsel, aforesaid chronology of events clearly shows that present proceedings are manifestly attended with *mala fides* and have been instituted with an ulterior motive of wreaking vengeance upon petitioner for the honest discharge of his official duties.

3.5 It was further submitted that the complainant is a habitual offender and has been implicated in several criminal cases in Rajasthan and Delhi, and that notwithstanding the circumstances clearly indicating personal animosity, the ACB registered the FIR in question without any meaningful preliminary verification of the allegations. Learned counsel accordingly submitted that the FIR in question and all consequential proceedings are liable to be



quashed as being manifestly *mala fide* and unsupported by material disclosing the ingredients of alleged offences.

3.6 In support of aforesaid submissions, learned counsel placed reliance upon ***K. Shanthamma v. State of Telangana, (2022) 4 SCC 574; Charansingh v. State of Maharashtra, (2021) 5 SCC 469;*** and ***Prabhugowda Patil v. State of Karnataka, 2026 SCC OnLine Kar 806.***

4. *Per contra*, learned counsel for the complainant submitted that the scope of interference by the High Court while exercising its inherent jurisdiction under Section 482 CrPC is limited, and that at the stage of considering a prayer for quashing of an FIR, this Court cannot undertake a roving inquiry into the truthfulness or reliability of the allegations as it involves adjudication upon disputed questions of fact and evidence.

4.1 It was further submitted that the pleas raised by petitioners regarding alleged falsity of allegations, contradictions and discrepancies are matters of defence which can only be tested during trial.

4.2 Learned counsel contended that demand and acceptance of undue advantage may also be established through circumstantial evidence and that absence of direct evidence of demand or even the failure of the demand verification proceedings is not fatal at the stage of registration of an FIR.

4.3 Learned counsel further submitted that reliance placed by petitioners on the negative final report dated 01.12.2023 in FIR No. 13/2022 is misplaced, as the negative final report represents



only the opinion of the Investigating Officer and cannot be treated as conclusive determination of the allegations levelled in said FIR.

4.4 Learned counsel for the complainant further submitted that the allegation of *mala fides* raised by petitioners is wholly misconceived as mere animosity or previous involvement of the parties in another criminal case cannot furnish a ground for quashing. According to learned counsel, the allegations in present FIR are supported by sufficient material and the question whether the complaint was actuated by any ulterior motive cannot be determined at this stage.

4.5 It was further submitted that the entire occurrence was subjected to electronic recording and that the recorded conversations constitute sufficient *prima facie* material warranting continuation of the proceedings.

4.6 In support of his submissions, learned counsel placed reliance upon ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC; CBI v. Aryan Singh, 2023 SCC OnLine SC 379; Neeraj Dutta v. State of (NCT of Delhi), (2023) 4 SCC 731. Superintendent of Police, CBI v. Tapan Kumar Singh, (2003) 6 SCC 175; State of Bihar v. P.P. Sharma, 1992 Supp (1) SCC 222; Lalita Kumari v. Govt. of U.P., (2014) 2 SCC 1 (CB); and Chandra Kant Ramawat v. State of Rajasthan & Anr., bearing S.B. Cr. Misc. Pet. No. 5866/2025, decided on 29.07.2025.***

5. Learned Public Prosecutor also opposed the petitions and, while placing the factual report on record, submitted that the



material collected during investigation *prima facie* discloses commission of the offences alleged against petitioners.

Factual Report is taken on record.

6. This Court has considered the pleadings, the material available on record and submissions advanced by learned counsel for the parties, including the judicial pronouncements relied upon in support thereof.

7. Before embarking upon consideration of the controversy at hand, this Court deems it appropriate to first delineate the scope of interference in exercise of the inherent powers under section 482 CrPC. The principles governing exercise of such jurisdiction are well settled. The jurisdiction is undoubtedly wide and plenary; however, in the context of prayer seeking quashing of FIR, it is to be exercised with caution and utmost circumspection. At this stage, the Court is required to examine whether the allegations contained in the FIR and the material placed on record *prima facie* disclose the commission of offences alleged. Interference is warranted only where such exercise is necessary to prevent abuse of the process of law or otherwise to secure the ends of justice.

7.1 In this regard, reference may appropriately be made to the observations of the Hon'ble Supreme Court in ***Madhavrao Jiware v. Sambhajirao Chandojirao Angre***, (1988) 1 SCC 692, relevant paragraph of which is reproduced hereinbelow: -

"7. The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to



whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage.

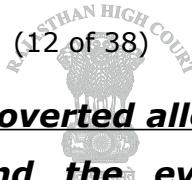
(emphasis supplied)

7.2 In **Bhajan Lal** (supra) after a detailed consideration of the relevant provisions of the Code of Criminal Procedure and the precedents holding the field, the Hon'ble Supreme Court illustratively laid down seven categories of cases in which interference in exercise of the inherent or extraordinary jurisdiction would be warranted. The categories thus enumerated read as follows: -

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.





(3) **Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.**

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the **allegations made in the FIR or complaint are so absurd and inherently improbable** on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) **Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.**

(emphasis supplied)

7.3 In ***State of A.P. v. Golconda Linga Goswamy, (2004) 6 SCC 522***, the Hon'ble Supreme Court reiterated that exercise of the inherent powers is justified where such intervention is necessary to prevent abuse of the process of law or otherwise to secure the ends of justice. The Court further recognized that, while considering a prayer for quashing, the High Court is not





precluded from examining the material placed before it for the purpose of ascertaining whether the offence alleged is *prima facie* made out. Relevant observations are reproduced hereinbelow: -

"5. ... 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 such abuse. It would be an abuse of the 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 or 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 complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.**"

(emphasis supplied)

7.4 Furthermore, in ***Golconda Linga Goswamy*** (supra), while considering the extent to which the High Court can examine material produced before it, with reference to the categories of cases warranting interference delineated earlier in ***R.P. Kapur v. State of Punjab, AIR 1960 SC 866***, the Hon'ble Supreme Court also emphasized the distinction between a case where there is no legal evidence, or where the material is clearly inconsistent with the allegations, and a case where there is legal evidence which may or may not sustain the allegations upon appreciation and observed thus: -



"6. In *R.P. Kapur v. State of Punjab* [AIR 1960 SC 866 : 1960 Cri LJ 1239] this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

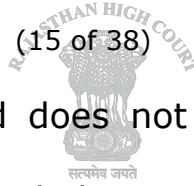
(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. **When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly.** At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death..."

(emphasis supplied)

7.5 Upon a cumulative reading of the authorities discussed hereinabove, it becomes clear that although the scope of inquiry





at this stage is limited and does not extend to appreciation of evidence, however, it is nevertheless open to the Court to consider the material placed before it for the limited purpose of ascertaining whether the essential ingredients of the offence alleged are *prima facie* disclosed and whether the same make out a case or establish sufficient grounds for proceedings against accused. Material inconsistent with the accusations cannot be disregarded merely on the ground that its evidentiary worth can only be assessed at the stage of trial.

7.6 This Court is conscious that, in the context of the Prevention of Corruption Act, considering the gravity of offences made punishable thereunder, greater circumspection is warranted in exercise of the inherent powers. The caution is intended to ensure that an inquiry into allegations of corruption is not stifled at the threshold. The same, however, does not dispense with the requirement that the allegations and the material placed on record must, at least *prima facie*, disclose the essential ingredients of the offence alleged.

7.7 It is pertinent to note that **Bhajan Lal** (supra), which continues to be the guiding authority in the exercise of inherent jurisdiction in respect of prayer for quashing of FIR, itself arose in the context of allegations of corruption, concerning possession of assets disproportionate to known sources of income and commission of offences *inter alia* under Section 5(2) of the Prevention of Corruption Act, 1947. Thus, while the nature and gravity of the offences under the PC Act may warrant a more



circumspect application of the jurisdiction, however, the governing parameters for exercise of the inherent powers remain the same.

8. In the matter at hand, the FIR in question was registered against petitioners *inter alia* for offence punishable under section 7 of the PC Act. The relevant provisions of said section are extracted hereinbelow for ready reference: -

"7. Offence relating to public servant being bribed –

Any public servant who, —

(a) obtains or accepts or attempts to obtain from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant; or

(b) obtains or accepts or attempts to obtain, an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to perform such duty either by himself or another public servant; or

(c) ...

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine."

The essential ingredients of the afore-quoted provision may broadly be stated as follows: (i) the accused must be a public servant (*the doer*); (ii) the accused must obtain, accept or attempt to obtain an undue advantage from any person (*the offending act*); and (iii) such act must be performed with the requisite intention connecting the same with improper or dishonest performance of, or forbearance from performance of, a public duty (*the intention / nexus*).



8.1 Said provision, as it stands in its present form, was introduced vide the Prevention of Corruption (Amendment) Act, 2018. While the unamended section 7 used the term "gratification", the present provision employs the expression "undue advantage"; further, present section 7 also covers within its purview an "attempt to obtain" undue advantage. When seen along with the other changes introduced by the amendment, it becomes clear that the statutory ambit of the provision has undoubtedly been widened. Nevertheless, this Court is of the considered opinion that the foundational ingredients of the offence, as broadly stated hereinabove, remain the same. Therefore, the decisions of the Hon'ble Supreme Court rendered in the context of the unamended section 7, upon which this Court considers it appropriate to place reliance, remain instructive in interpreting the requirements of the offence.

In the case at hand, the principal question which arises for consideration is whether the second ingredient of the offence as enumerated hereinbefore, namely, the offending act, is *prima facie* disclosed from the allegations and the material placed on record. In other words, whether petitioners obtained, accepted or attempted to obtain any undue advantage from complainant. And it is for this limited purpose that the relevant pronouncements of the Hon'ble Supreme Court on the subject may now be considered.

8.2 In ***B. Jayaraj v. State of A.P.***, (2014) 13 SCC 55, the Hon'ble Supreme Court, while considering the offence under the unamended Section 7, held that demand of illegal gratification is a





sine qua non for constituting the offence and that mere recovery of money would not suffice. Relevant observations are reproduced hereinbelow: -

"7. Insofar as the offence under Section 7 is concerned, it is a settled position in law that demand of illegal gratification is sine qua non to constitute the said offence and mere recovery of currency notes cannot constitute the offence under Section 7 unless it is proved beyond all reasonable doubt that the accused voluntarily accepted the money knowing it to be a bribe. The above position has been succinctly laid down in several judgments of this Court. By way of illustration reference may be made to the decision in C.M. Sharma v. State of A.P. [(2010) 15 SCC 1 : (2013) 2 SCC (Cri) 89] and C.M. Girish Babu v. CBI [(2009) 3 SCC 779 : (2009) 2 SCC (Cri) 1]."

(emphasis supplied)

8.3 In ***P. Satyanarayana Murthy v. State of A.P., (2015) 10 SCC 152***, the Hon'ble Supreme Court reiterated the aforesaid principle in emphatic terms, holding that the proof of demand is the "permeating mandate" of the offence made punishable under section 7 and mere acceptance or recovery of amount is not sufficient to bring home the charge. The relevant paragraph is reproduced hereinunder:

"23. The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, unmistakably the charge therefor, would fail. Mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof, dehors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to prove the demand for illegal gratification would be





fatal and mere recovery of the amount from the person accused of the offence under Section 7 or 13 of the Act would not entail his conviction thereunder.

(emphasis supplied)

8.4 Similarly, in **N. Vijayakumar v. State of T.N., (2021) 3 SCC 687**, the Hon'ble Apex Court, while relying upon *inter alia* **B. Jayaraj** (supra), summarized the position of law thus: -

"26. It is equally well settled that mere recovery by itself cannot prove the charge of the prosecution against the accused. Reference can be made to the judgments of this Court in *C.M. Girish Babu v. CBI* [*C.M. Girish Babu v. CBI*, (2009) 3 SCC 779 : (2009) 2 SCC (Cri) 1] and in *B. Jayaraj v. State of A.P.* [*B. Jayaraj v. State of A.P.*, (2014) 13 SCC 55 : (2014) 5 SCC (Cri) 543] **In the aforesaid judgments of this Court while considering the case under Sections 7, 13(1)(d)(i) and (ii) of the Prevention of Corruption Act, 1988 it is reiterated that to prove the charge, it has to be proved beyond reasonable doubt that the accused voluntarily accepted money knowing it to be bribe. Absence of proof of demand for illegal gratification and mere possession or recovery of currency notes is not sufficient to constitute such offence.** In the said judgments it is also held that even the presumption under Section 20 of the Act can be drawn only after demand for and acceptance of illegal gratification is proved. It is also fairly well settled that initial presumption of innocence in the criminal jurisprudence gets doubled by acquittal recorded by the trial court.

(emphasis supplied)

8.5 The position was thereafter authoritatively considered by a Constitution Bench of the Hon'ble Supreme Court in **Neeraj Dutta** (supra) is a Constitution Bench Judgment of the Hon'ble Supreme Court. The reference before the Constitution Bench principally concerned the question whether in a prosecution under the



Prevention of Corruption Act, demand of gratification could be established through circumstantial or other evidence in the absence of direct or primary evidence. For our purposes, the following observations of the Hon'ble Court are particularly relevant: -



"88. What emerges from the aforesaid discussion is summarised as under:

88.1. (a) **Proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is a sine qua non in order to establish the guilt of the accused public servant under Sections 7 and 13(1)(d)(i) and (ii) of the Act.**

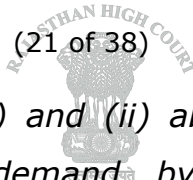
88.2. (b) **In order to bring home the guilt of the accused, the prosecution has to first prove the demand of illegal gratification and the subsequent acceptance as a matter of fact. This fact in issue can be proved either by direct evidence which can be in the nature of oral evidence or documentary evidence.**

88.3...

88.4. (d) In order to prove the fact in issue, namely, the demand and acceptance of illegal gratification by the public servant, the following aspects have to be borne in mind:

(i) if there is an offer to pay by the bribe-giver without there being any demand from the public servant and the latter simply accepts the offer and receives the illegal gratification, it is a case of acceptance as per Section 7 of the Act. In such a case, there need not be a prior demand by the public servant.

(ii) On the other hand, if the public servant makes a demand and the bribe-giver accepts the demand and tenders the demanded gratification which in turn is received by the public servant, it is a case of obtainment. In the case of obtainment, the prior demand for illegal gratification emanates from the public servant. This is an offence under Sections 13(1)(d)(i) and (ii) of the Act.



(iii) In both cases of (i) and (ii) above, the offer by the bribe-giver and the demand by the public servant respectively have to be proved by the prosecution as a fact in issue. In other words, mere acceptance or receipt of an illegal gratification without anything more would not make it an offence under Section 7 or Sections 13(1)(d)(i) and (ii), respectively of the Act. Therefore, under Section 7 of the Act, in order to bring home the offence, there must be an offer which emanates from the bribe-giver which is accepted by the public servant which would make it an offence..."

(emphasis supplied)

8.6 In the subsequent decision of **Neeraj Dutta v. State (NCT of Delhi), (2023) 18 SCC 251**, rendered by a two-judge Bench of the Hon'ble Supreme Court in light of the Constitution Bench judgment referred to hereinabove, it was observed thus: -

"21. The allegation of demand of gratification and acceptance made by a public servant has to be established beyond a reasonable doubt. The decision of the Constitution Bench does not dilute this elementary requirement of proof beyond a reasonable doubt. The Constitution Bench was dealing with the issue of the modes by which the demand can be proved. The Constitution Bench has laid down that the proof need not be only by direct, oral or documentary evidence, but it can be by way of other evidence including circumstantial evidence. When reliance is placed on circumstantial evidence to prove the demand for gratification, the prosecution must establish each and every circumstance from which the prosecution wants the court to draw a conclusion of guilt. The facts so established must be consistent with only one hypothesis that there was a demand made for gratification by the accused. Therefore, in this case, we will have to examine whether there is any direct evidence of demand. If we come to a conclusion that there is no direct evidence of demand,



this Court will have to consider whether there is any circumstantial evidence to prove the demand."

8.7 More recently, in the case of **State v. K. Rangayya, 2026 SCC OnLine SC 963**, the Hon'ble Supreme Court had occasion to consider the amended Section 7 in the context of allegations of one public servant having sought undue advantage on behalf of other public servants, and while interpreting the expression "attempt to obtain" an undue advantage under the amended provision, the Hon'ble Court, while relying upon its earlier decision in **Devinder Kumar Bansal v. State of Punjab**, (2025) 4 SCC 493, observed as follows: -

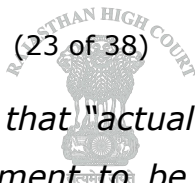
"26. In this regard, it is apposite to note the legal proposition as set out in the observations of this Court in Devinder Kumar Bansal v. State of Punjab [(2025) 4 SCC 493]:

"12. Further it is seen that, Section 7 speaks of the "attempt" to obtain a bribe as being in itself an offence. Mere demand or solicitation, therefore, by a public servant amounts to commission of an offence under Section 7 of the PC Act. The word "attempt" is to imply no more than a mere solicitation, which, again may be made as effectually in implicit or in explicit terms.

13. Actual exchange of a bribe is not an essential requirement to be prosecuted under this law. Further, those public servants, who do not take a bribe directly, but, through middlemen or touts, and those who take valuable things from a person with whom they have or are likely to have official dealings, are also punishable as per Sections 10 and 11 of the 1988 Act, respectively..."

27. Mere demand or solicitation, therefore, by a public servant may amount to commission of an offence under Section 7 of the PC Act. The word 'attempt' is to imply no more than a mere solicitation, which, again, may be made as effectually in implicit or in explicit terms. This Court





further observed therein that "actual exchange of a bribe is not an essential requirement to be prosecuted under this law" and that those public servants who do not take a bribe directly but through middlemen are equally made liable under the provisions of the PC Act, 1988. These observations, though rendered in the context of grant of anticipatory bail in a case involving offence under Section 7 of the PC act, firmly reflect the legislative policy pervading the PC Act that an attempt to obtain undue advantage whether for oneself or for another, and whether directly or through intermediaries is equally culpable under Section 7 read with Explanation 2 of the Act..."



8.8 This Court is conscious of the fact that, save for **K. Rangayya** (supra), aforesaid decisions were rendered in proceedings where trial had concluded and the question before the Hon'ble Supreme Court concerned the validity of the finding of guilt. However, in the opinion of this Court, the stage of proceedings does not alter the essential ingredients of the offence; what necessarily differs is the extent of scrutiny permissible. At the stage of exercise of jurisdiction under Section 482 CrPC, what this Court is required to ascertain is whether essential ingredients of the offence alleged are *prima facie* borne out from the allegations and the material placed on record. And aforesaid authorities are significant in identifying and interpreting the essential constituents of the offence under Section 7.

8.9 In light of the authorities discussed hereinabove, the following principles, insofar as relevant for present purposes, emerge: -

(i) Where the case is one of obtainment (pursuant to a demand emanating from the public servant), proof of such demand is a



sine qua non for establishing the offence; mere recovery or acceptance, in the absence of proof of demand, would not suffice.

(ii) Where the case is one of acceptance pursuant to an offer emanating from the bribe-giver, the offer of undue advantage by the bribe-giver and its acceptance by the public servant must be established.

(iii) Where the case is one of attempt to obtain an undue advantage, actual receipt of undue advantage is not necessary; what must be established is demand or solicitation of such undue advantage.

9. Coming to the factual matrix of the matter at hand, the crux of the allegations levelled in the FIR in question against petitioners is that, at the time of arrest of respondent No. 2 – complainant in connection with FIR No. 226/2021, petitioner – Jagdish along with other constables seized certain articles from his shop, including two mobile phones, two laptops, three CPUs, a DVR and cash amounting to Rs. 1,02,000/-, without showing the seizure thereof in the seizure memo prepared in connection with said FIR. It is the case of complainant that, after being released on bail on 07.01.2022, he contacted petitioners seeking release of his articles, whereupon petitioners allegedly demanded bribe for releasing the articles.

9.1 Thereafter, complainant preferred a complaint before the ACB, Jaipur alleging aforesaid demand for bribe and further stating that he had been asked to meet petitioners on 15.01.2022 when they "*may demand bribe*". Relevant extract in reference thereof of the FIR in question is reproduced hereinbelow: -



“परिवादी से दरयाफ्त करने पर मामला रिश्वत लेन-देन का प्रथम दृष्टया पाए जाने पर रिश्वत मांग सत्यापन करवाया जाना आवश्यक है। परिवादी ने बताया कि कल दिनांक 15.01.2022 को मुकदमा नंबर 226/2021 में पुलिस थाना गंगा सहर में न्यायालय में तारीख पेशी है। आरोपीगण ने मुझे तारीख पेशी के बाद मिलने के लिए बुलाया है तब वो मुझसे रिश्वत की मांग कर सकते हैं।”

(emphasis supplied)

A bare perusal of the aforesaid extract shows that, at that stage, apart from the allegations levelled by complainant, there was no concrete proof of any demand for an undue advantage having been made by petitioners and complainant had expressed only an apprehension that petitioners might demand money from him during the proposed meeting.

9.2 Upon receipt of complaint and having regard to the nature of the allegations made therein, ACB, Jaipur constituted a team for purposes of conducting preliminary inquiry, which team accompanied complainant to Bikaner.

9.3 It is pertinent to note that the preliminary inquiry conducted by ACB did not progress to the stage of trap proceedings, having failed at the stage of demand verification itself, inasmuch as during the process of demand verification with petitioner – Ranidan, the conduct of complainant aroused the suspicion of police authorities present at the police station and it was discovered that the conversation was being recorded, whereafter complainant and the ACB official accompanying him were apprehended and detained at the police station and were released only after intervention of higher authorities.

9.4 In these circumstances, the question that arises for consideration is whether, notwithstanding the failure of the



demand verification proceedings, the material available on record discloses the foundational ingredient of the alleged offence, namely, demand for an undue advantage. The case alleged against petitioners is essentially one of obtaining an undue advantage and/or attempting to obtain an undue advantage and, accordingly, falls for consideration in the context of principles (i) and (iii) noticed hereinabove.



9.5 As per the contents of the FIR itself, on 15.01.2022, equipped with voice-recording device concealed inside a face mask, complainant went to the police station to meet petitioners. A perusal of the FIR reveals that on said date, complainant visited the police station on two occasions and, on both occasions, the conversation took place only with petitioner-Jagdish, which were recorded and subsequently transcribed.

9.6 Upon a perusal of the transcribed conversation with petitioner – Jagdish, this Court finds that the same does not disclose any statement or circumstance which even *prima facie* can be characterised as a demand for, or an attempt to obtain, any undue advantage. It is further significant to note that the FIR in question itself records that the alleged demand in relation to the release of the items seized from complainant's shop could not be verified from the conversation with petitioner - Jagdish. Relevant extract in regard thereof from the FIR in question is reproduced hereunder: -

"इसके पश्चात मन् पुलिस निरीक्षक ने मास्क डिजिटल वॉइस रिकॉर्डर में रिकॉर्ड वार्ता को लैपटॉप की सहायता से सर्सरी तौर पर सुना गया तो संदिग्ध आरोपी श्री जगदीश व परिवादी के मध्य हुई वार्ता रिकॉर्ड होना पाई गई। किंतु आरोपी जगदीश द्वारा परिवादी के सामान एवं अन्य मुकदमा में राहत दिए जाने हेतु



रिश्वत राशि का खुलासा नहीं किया गया है। अन्य संदिग्ध आरोपी श्री रानीदान पुलिस निरीक्षक के आने पर उसके समक्ष ही वार्ता करना बताया।"

(emphasis supplied)

9.7 The FIR in question further records that, in the course of meeting with petitioner - Jagdish, the two mobile phones seized from complainant were taken out from the *Malkhana* and returned to him upon obtaining his signatures. It is further stated in the FIR that the other articles, including the two laptops and a DVR, which had not been kept in the *Malkhana* were also returned to the complainant. Further, the transcript of the conversation recorded on 15.01.2022 reveals no demand whatsoever for monetary or other undue advantage for the return of aforesaid articles.

9.8 Accordingly, insofar as the meeting on 15.01.2022 is concerned, upon a cumulative consideration of the contents of the FIR in question and the transcript of the recorded conversation as placed on record, this Court finds that the same does not disclose any demand for an undue advantage by petitioner - Jagdish. On the contrary, the material shows that the articles seized from complainant were duly returned to him without any demand being made in connection therewith, which clearly contradicts the allegation levelled by complainant that petitioners were seeking an undue advantage in return for the articles seized from his shop.

9.9 The material on record reveals that, although complainant visited the police station on 15.01.2022 on two occasions, no meeting took place with petitioner - Ranidan on that date. However, complainant and the ACB team stayed at Bikaner with a



view to conduct demand verification proceedings with petitioner – Ranidan on the following day.



9.10 The meeting with petitioner - Ranidan accordingly took place on 16.01.2022. As a matter of fact, a cumulative reading of the contents of the FIR and the transcript nowhere discloses any specific obtainment or attempt to obtain any undue advantage on the part of petitioner – Ranidan, however, only with a view to hoist case against the petitioners, the FIR in question has been registered on the basis of the following findings : -

"...तथा दिनांक 16.01.2022 को हुई मांग सत्यापन के दौरान आरोपी श्री राणीदान द्वारा अन्य केस में मदद करने तथा परिवादी के तीन छोटे सीपीयू में से रिश्वत के रूप में दो सीपीयू देने की एवंज में एक सीपीयू मांग कर प्राप्त करना तथा आरोपी श्री जगदीश एसआई द्वारा एक लाख रुपये लेने में अपना बचाव करते हुए बात को टालते हुए कोई बात नहीं कहकर स्वीकारोक्ति में सहमति देना..."

In the considered opinion of this Court, the aforesaid part of the findings is predicated upon a selective and piecemeal reading of the conversation that actually transpired between the petitioner, Ranidan, and the complainant, rather than upon a holistic and contextual appreciation of the contents thereof. Said conclusion is self-contradictory, inasmuch as it is not only inconsistent with the contents of the conversation recorded in the earlier part of the FIR but also fails to reconcile the material particulars emerging therefrom. Relevant extract of the FIR in question is reproduced hereinbelow : -

"...इसके पश्चात् मैंने जगदीश एसआई द्वारा मेरी दुकान से एक लाख दो हजार रुपये लेकर गए थे उनके बारे में जब राणीदान को कहा तो उसने कहा कोई बात नहीं, मैंने रानीदान को पैसे के बारे में दोबारा कहा तो उसने कहा पैसों के बारे में मेरे से बात मत कर तथा मुझे अन्य केस में मदद करने के लिए कहा..."





The conclusive finding of the FIR is also contradictory to the transcript of the recorded conversation with petitioner – Randian, relevant extract of which is reproduced hereinbelow: -

सुरेन्द्र	सर पिछली बार आपने पैसे लिए..... अस्पष्ट आवाज
राणीदान	पैसे मैंने नहीं लिये देख झूठ मत बोल, नहीं बकवास करने की जरूरत नहीं, फालतु बात नहीं
सुरेन्द्र	मैं यह कह रहा हु न सर उसने बताया नहीं न आपको
राणीदान	कोई बात नहीं है, पैसे की बात मत, मेरे सामने करना ही मत मैं जब फोन करू तब आ जाना पुछताछ कर लेगे आमने सामने बैठा लेगे तेरा रोल नहीं होगा, तेरी मदद कर देगे, करेगे मदद करेगे तेरा इतना बड़ा रोल है नहीं, ठीक है जा तेरी मदद कर देगे ...
सुरेन्द्र	ठीक

A bare perusal of aforesaid extract shows that, when the complainant broached the subject of money, petitioner – Ranidan categorically and emphatically told him not to talk to him about money and only stated that complainant would be treated fairly in accordance with law. In the considered opinion of this Court, said exchange, far from disclosing any demand for any monetary or other undue advantage, clearly demonstrates an express refusal on the part of petitioner – Ranidan to engage in any conversation regarding money.

9.11 Although, the ACB, in the FIR in question, has sought to portray said refusal as tacit admission by petitioner – Ranidan that he had accepted the amount seized from complainant's shop; however, this Court finds that when said extract is read in its context, there is no statement in the conversation nor any circumstance which shows any such acceptance on the part of petitioner - Ranidan.

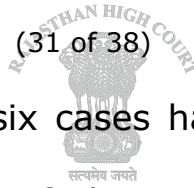
9.12 It is further alleged in the FIR that out of the three CPUs allegedly seized from complainant's shop, petitioner – Ranidan retained one with him and returned the remaining two to



complainant. In the considered opinion of this Court, said circumstance cannot be viewed in isolation and must be considered in the context of the conversation. The transcript of the recorded conversation reveals that when complainant enquired about his CPUs, petitioner - Ranidan did not understand the reference and made further enquiries from complainant regarding the appearance, use and purpose of CPUs, which *prima facie* points towards his complete ignorance regarding the nature, usage or value of CPU.

9.13 It is noteworthy that FIR No. 13/2022 came to be registered against petitioner – Ranidan in relation to the same occurrence of 16.01.2022, alleging that, upon discovery that the conversation was being recorded, petitioner - Ranidan left the police station carrying certain articles, including the CPUs. However, investigation in said FIR culminated in the submission of a negative final report, and no recovery of aforesaid articles is shown to have been made during the course of investigation. The same, in the opinion of this Court, militates against the prosecution story regarding the occurrence of the events of 16.01.2022.

9.14 We may also consider the matter from a different angle. The offending act contemplated under Section 7 of the PC Act must have the requisite nexus with the improper or dishonest performance of, or forbearance from performance of, a public duty. Insofar as the retention of CPU is concerned, no such nexus is established from the material available on record.



At the relevant time, six cases had been registered against the complainant and in all of them charge-sheets had already been filed. Petitioners had undertaken the investigation in FIR No. 226/2021, in which investigation also stood completed and charge-sheet had already been filed, and later on complainant had been released on bail. The material on record therefore does not disclose any official act remaining to be undertaken by petitioners in connection with said case to which the alleged retention of the CPU could be related.

9.15 Thus, upon a cumulative consideration of the material available on record, this Court finds that the conclusions drawn by the ACB in the FIR in question and the allegations levelled against petitioners are not *prima facie* established from the material on record; nor the recorded conversation disclose any demand for, or attempt to obtain, a monetary or other undue advantage having been made by petitioners.

9.16 Another circumstance relied upon in support of the allegations levelled in the FIR is the gesture allegedly made by petitioner-Jagdish during the meeting on 15.01.2022, which has been interpreted as indicating that ₹1 lakh out of the amount seized from the complainant's shop had been given to petitioner-Ranidan. However, in the considered opinion of this Court, the recorded conversation does not reveal any statement or circumstance from which such an inference can be drawn.

10. Upon cumulative consideration of the FIR in question and the transcripts placed on record of the conversations recorded with petitioners during demand verification, this Court finds that the



demand verification conducted as part of the pre-FIR inquiry has failed to disclose the factum of demand for any undue advantage. The material generated in the course thereof does not support the allegation levelled against petitioners and, in material respects, is also inconsistent with it.

10.1 The FIR in question itself records that, from the conversation which took place between complainant and petitioner – Jagdish, the alleged demand could not be verified. As regards conversation with petitioner – Ranidan, although the investigating agency has sought to draw inferences and connect circumstances as to attribute the offending act to him, however, in the considered opinion of this Court, the factum of any demand / solicitation of undue advantage is not borne out from conversation with petitioner – Ranidan; rather it shows clear refusal on the part of petitioner – Ranidan to engage in any conversation regarding money.

10.2 There is no other material on record, apart from the allegation of complainant, from which the factum of demand can prima facie be established. In such circumstances, the failure of the demand-verification assumes considerable significance. The material placed on record, therefore, does not prima facie disclose the foundational offending act contemplated under Section 7, namely, obtainment, acceptance or an attempt to obtain an undue advantage.

10.3 We may appropriately rely upon the judgment of the Hon'ble Karnataka High Court delivered in **Beeralinga v. State of Karnataka, 2024 SCC OnLine Kar 32101**, wherein an FIR



registered against petitioner therein (Panchayat Development Officer) for offences punishable under Sections 7 and 7A of the Prevention of Corruption Act was quashed upon finding that the factum of demand and acceptance was not established against petitioner and that no trap had been laid against him. Said judgment was carried before the Hon'ble Supreme Court, which declined to interfere and dismissed the Special Leave Petition.

10.4 To similar effect is the judgment of the Hon'ble Karnataka High Court in ***Prabhugowda Patil v. State of Karnataka, 2026 SCC OnLine Kar 806***, wherein the FIR in question alleging commission of offence punishable under section 7 of the PC Act was quashed in circumstances where there was no prima facie material establishing demand and acceptance.

10.5 As regards the allegation of extortion, the offence necessarily involves delivery of valuable security or property pursuant to alleged extortion; no such delivery is borne out from the material placed on record.

10.6 As regards the allegation relating to destruction or disappearance of evidence, it is alleged that petitioner - Ranidan had left the police station with the CPUs, power-bank recorder, mobile phone and mask-shaped voice recorder. However, as observed hereinabove, FIR No. 13/2022 was registered in respect of same allegation, wherein, a final report has been submitted holding that said allegation was not found established. The material placed on record, therefore, also does not disclose commission of said offence.



11. Learned counsel for the petitioners argued that the FIR in question is actuated by mala fides and has been lodged with the ulterior motive of wreaking vengeance upon petitioners for implicating complainant in the FIR No. 226/2021 relating to the REET-2021 cheating racket.

11.1 It is well-settled that where the proceedings are alleged to be actuated by *mala fides*, the Court is not required to examine the FIR in isolation and may, with due care and circumspection, have regard to the attending circumstances emerging from the record. In this regard, we may refer to the observations of the Hon'ble Madras High Court in ***K. Shiva Kumar v. State of T.N., 2025 SCC OnLine Mad 30***, relevant paras of which are reproduced hereinbelow: -

*“12. There is merit in the argument of the learned AAG that at the time when FIR is challenged, the court shall confine its probe only to the extent of allegations which the FIR discloses and cannot travel beyond what it alleges. This Court partially agrees with it. **However, it is also necessary to emphasise that the court is not powerless to strike off a FIR if it is drenched and soaked in mala fide or where the allegations therein, even if their truth is accepted, do not disclose an offence.** The locus classicus governing the parameters for quashing a FIR under Section 482CrPC (presently Section 528 of the BNSS, 2023) is the decision of Ratnavel Pandian, J. speaking for a Bench comprising of himself and Jayachandra Reddy, J in State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426 : AIR 1992 SC 604] . Setting out the parameters to quash a FIR in exercise of inherent power under Section 482CrPC, it was held: (SCC p. 378, para 102)*

“102. ... (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.”





Nevertheless, even in *Bhajan Lal* case [*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426 : AIR 1992 SC 604], the Supreme Court was alive to another category of cases which may require a slightly nuanced approach. These classes of cases are set out in para 102(7) of the judgment which is as under: (SCC p. 379, para 102)

“102. ... (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

In *Mahmood Ali v. State of U.P.* [*Mahmood Ali v. State of U.P.*, (2023) 15 SCC 488], the Supreme Court has explained the scope of the High Court's powers in case involving mala fides: (SCC pp. 497-498, paras 11-13)

“11. At this stage, we would like to observe something important. Whenever an accused comes before the court invoking either the inherent powers under Section 482 of the Criminal Procedure Code (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.

12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

13. In frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the



averments and, if need be, with due care and circumspection try to read in between the lines. The court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

(emphasis supplied)

11.2 In this regard, we may also refer to the following observations of the Hon'ble Karnataka High Court in **Prabhugowda Patil** (supra): -

"In the light of the judgment rendered as afore-quoted the issue in the case at hand need not detain this Court for long or delve deep into the matter. It is admitted that there is no trap and there is not even a prima facie finding that there has been demand and acceptance. There is no tainted money recovered from the hands of the petitioner and it is a fact that the petitioner was instrumental in registering several crimes against the complainant and the complaint against the petitioner is filed undoubtedly to wreak vengeance. The statement of objections filed by the complainant is a vindication of the finding recorded hereinabove.

14. In that light, there is no warrant to permit investigation to continue six years after registration of the crime, when there is not even a titter of document to permit such investigation..."

11.3 In the present case, petitioner – Ranidan conducted the investigation into FIR No. 226/2021 pertaining to the REET-2021 Cheating Scam. The complainant herein was identified as the main





supplier of sophisticated electronic devices to the cheating gang and was arrested by petitioner – Jagdish in connection with said case. The charge-sheet against complainant was thereafter filed on 22.12.2021. It has further been placed on record that petitioner – Ranidan was subjected to threats on account of the arrest of principal accused. It is pertinent to note that the present complaint came to be filed immediately after complainant was released on bail in connection with said FIR.

In the considered opinion of this Court, aforesaid circumstances *prima facie* brings out a background of animosity between the complainant and petitioners and shows that present proceedings have been initiated with ulterior motive of wreaking vengeance upon present petitioners.

12. Upon a cumulative consideration of the allegations levelled in the FIR in question, the material collected during the course of demand verification and the surrounding circumstances noticed hereinabove, this Court is of the considered opinion that present case falls within the parameters illustratively laid down by the Hon'ble Supreme Court in ***Bhajan Lal*** (supra) at point nos. 1, 3 and 7 as quoted above, inasmuch as the allegations levelled in the FIR and the material collected during demand verification do not disclose any demand or solicitation of undue advantage by either of the petitioners and, in material respects, contradicts the allegation made by complainant. There is also no independent material on record from which the alleged demand can *prima facie* be established. Further, the circumstances noticed hereinabove *prima facie* indicate that present proceedings are attended with



mala fides and have been instituted to wreak vengeance upon petitioners.

13. Present case, therefore, is one in which interference in exercise of the inherent jurisdiction of this Court is not only permissible but warranted to prevent abuse of the process of law and to secure the ends of justice.

14. Consequently, present petitions are **allowed**. FIR No. 14/2022 registered at the Anti-Corruption Bureau, Jaipur, for the offences punishable under section 7 of the Prevention of Corruption Act, 1988 and Sections 201 and 384 read with section 120-B IPC, together with all consequential proceedings arising therefrom, is hereby quashed and set aside.

15. Stay application and all other pending applications stand disposed of.

(SANJEET PUROHIT),J

...Praveen

