2026 INSC 574

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.5245 of 2025)

THE STATE BY LOKAYUKTHA POLICE .....**APPELLANT (S)**

Versus

SRI K. RANGAYYA & ANR. ...**RESPONDENT (S)**

J U D G M E N T

NONGMEIKAPAM KOTISWAR SINGH, J.

Leave granted.

2. The present appeal, filed by the State through the Lokayuktha Police, Karnataka, challenges the impugned final Judgment and Order dated 23.01.2024 passed by the High Court of Karnataka at Dharwad in Writ Petition No. 104236 of 2023, whereby the High Court allowed the writ

petition filed by the Respondent No. 1 – Sri K. Rangayya and quashed the FIR bearing Crime No. 04/2023 dated 03.06.2023, registered against the Respondent No. 1 under Section 7(a) of the Prevention of Corruption Act, 1988 (hereinafter referred to as "PC Act"), at the Karnataka Lokayukta Police Station, Bellary, along with all proceedings emanating therefrom *qua* the said Respondent No. 1, on the ground that, there was neither any demand made by the Respondent No. 1 nor any acceptance of any money by him.

3. The facts material to the adjudication of this matter, as regards the prosecution case and as emerging from the record before us are that the Respondent No. 1 was serving as a Police Sub-Inspector (hereinafter "PSI") posted at Siruguppa Police Station, Bellary District, Karnataka. On 15.03.2023, in the afternoon hours, when the Respondent No. 2/Complainant was near Gadyala Maremmana Temple, the Respondent No. 1 accompanied by other police officials approached him, threatened him with accusations of illegally selling ration rice, and seized his Suzuki Access 125 two-wheeler bearing registration No. KA-01 HF 1343 and his

Redmi mobile phone. The Complainant was instructed to report to the police station. When he did so, he was informed that a case had been registered against him on the ground that the Complainant had been transporting rice meant for sale through the Fair Price Depots.

4. From 15.03.2023 until 01.06.2023, the Complainant repeatedly visited the police station on several occasions seeking the return of his seized two-wheeler and mobile phone. On each occasion, he was avoided by the police officials and no resolution was forthcoming.

5. On 28.05.2023, when the Complainant again visited the police station and met the Respondent No. 1, the latter informed him that he had spoken to one Mohammed Ali (Accused No. 3), a private person also known to the Complainant, regarding the matter. The Complainant thereupon telephoned Mohammed Ali (Accused No. 3), who demanded a sum of Rs. 50,000 (Fifty Thousand) on behalf of and on the instructions of the Respondent No. 1.

6. On 01.06.2023, the Complainant met the Respondent No. 1, who called the Police Constable Kashinath (Accused

No. 2) and directed him to release the two-wheeler. The Respondent No. 1 simultaneously stated that "*you have not done anything to me, please do something to these boys and go*" to the Complainant, which meant that as nothing had been done for the Respondent No.1, the Complainant should at least do something for the other police officials.

7. It has been further alleged that subsequently, acting upon the instructions and on behalf of the Respondent No. 1, Constable Kashinath (Accused No. 2) demanded a bribe of Rs. 5,000 from the Complainant, which amount was thereafter on negotiation reduced to Rs. 3,000, along with an additional penalty of Rs. 500.

8. Being aggrieved and unwilling to pay the demanded bribe, the Complainant filed a complaint dated 03.06.2023 before the Appellant i.e., the Karnataka Lokayukta Police, Bellary. On the basis of the aforesaid complaint, an FIR bearing Crime No. 04/2023 dated 03.06.2023 was registered under Section 7(a) of the PC Act against the Respondent No. 1 (Accused No. 1), Constable Kashinath (Accused No. 2), and Mohammed Ali (Accused No. 3).

9. The Appellant, thereafter, laid a trap on 04.06.2023. The Complainant contacted Accused No. 2 to arrange a meeting. However, as the presence of the Respondent No. 1 could not be confirmed, the trap on that day could not be set up.

10. A second trap was then arranged on 09.06.2023 at the office of the Respondent No. 1. On this occasion, the Respondent No. 1 was found to be absent from his office. The Complainant then met one Venkatesh (Accused No. 4), not originally named in the FIR, and acting upon the instructions of the Venkatesh (Accused No. 4), the bribe amount was placed in a cloth bag which was recovered from Venkatesh (Accused No.4).

11. The Respondent No. 1, aggrieved by the registration of the aforesaid FIR, filed a writ petition, being Writ Petition No. 104236/2023 before the High Court of Karnataka seeking quashing of the aforesaid FIR under Crime No. 04/2023 and all proceedings arising therefrom *qua* him.

12. Vide the impugned final Judgment and Order dated 23.01.2024, the High Court allowed the writ petition and

quashed the FIR and all the proceedings against the Respondent No. 1, essentially by holding that the basic ingredients of Section 7 of the PC Act, namely, demand and acceptance of illegal gratification, were not made out on the face of the allegations.

SUBMISSIONS OF THE PARTIES

By the Appellant:

13. Learned counsel for the Appellant advanced the following submissions:

i. That the High Court gravely erred in quashing the FIR at the nascent stage of investigation, thereby usurping the statutory powers of the investigating agency by undertaking a detailed examination of the facts, credibility of the allegations, and the outcome of the trap proceeding. Thus, the High Court essentially conducted a mini-trial while exercising its writ jurisdiction under Article 226 of the Constitution of India, which is wholly impermissible.

ii. That the facts and circumstances of the present case disclose a strong *prima facie* case against the Respondent no.1.

iii. That Section 7 of the PC Act punishes not merely the act of obtaining or accepting an undue advantage but expressly includes the 'attempt to obtain' an undue advantage. Furthermore, Explanation 2 to Section 7 of the PC Act categorically provides that it is immaterial whether the undue advantage is obtained directly or through a third party.

iv. That the High Court erroneously concluded that since the Respondent No. 1 did not demand money for himself, the ingredient of demand was absent. This interpretation is contrary to law. The breadth of Section 7(a) read with Explanation 2 thereto is wide enough to encompass demand made through subordinates or third parties. If such an interpretation were to be upheld, it would create a dangerous loophole enabling senior officials to

orchestrate the collection of illegal gratification through their subordinates while maintaining personal deniability, thereby defeating the very object and purpose of the PC Act.

v. That the reliance placed by Respondent No. 1 upon ***K. Shanthamma v. State of Telangana***[1], is wholly misplaced as this judgment was rendered after the trial was concluded, upon appreciation of evidence led in the course of the trial. The standards and principles applicable to the evaluation of evidence at the stage of trial are entirely distinct from and cannot be applicable at the threshold stage of considering whether a *prima facie* case has been made out of the offence for the purpose of quashing of the FIR.

vi. That the departmental enquiry report relied upon by the Respondent No. 1 is completely irrelevant and misplaced, inasmuch as: (i) the standards of proof in a departmental enquiry are

[1] (2022) 4 SCC 574

entirely different from those applicable in a criminal trial; and (ii) the said report was not before the High Court. The findings of such an enquiry concerning subordinate officers cannot absolve the principal accused Respondent No. 1 from criminal liabilities.

vii. That the fact that a witness or the Complainant may turn hostile in one forum is a matter to be evaluated at trial, and a case can still be established through other evidence, including recorded conversations and the testimony of independent witnesses.

By the Respondent No.1:

14. Learned counsel for the Respondent No. 1 advanced the following submissions:

i. That the genesis of the complaint lies in the previous hostility existing between the Complainant and Respondent No. 1. The Respondent No. 1 had in an earlier complaint filed by the Complainant on 20.01.2022 against one Janardhan which was

registered as Crime No.25/2022, refused to invoke Section 307 of the Indian Penal Code against the aforesaid accused in the charge-sheet. Thereafter, a complaint came to be filed on 15.03.2023 alleging illegal transportation of rice meant for ration card holders in connection with which the Respondent No.1 registered an FIR case in Crime No. 48/2023 under the Essential Commodities Act, 1955 against unknown persons. During the investigation, it was found that the Respondent No.2 was a driver of the transporting vehicle and, thus, involved in the illegal transportation of rice. According to the Respondent No.1, the present FIR is a retaliatory act motivated by malice.

ii. The two trap proceedings were conducted on 04.06.2023 and 09.06.2023. On both the occasions, the Respondent No. 1 was not present, no recovery whatsoever was effected from him, and the phenolphthalein test as well as sodium carbonate

test were negative insofar as the Respondent No. 1 was concerned.

iii. That the High Court exercised its jurisdiction consistent with the principles laid down by this Hon'ble Court in State of ***Haryana v. Bhajan Lal***[2]**,** which recognizes that quashing is appropriate where the allegations, taken at face value, do not disclose the commission of any offence, or where the complaint is manifestly attended with mala fides.

iv. That Section 7(a) of the PC Act requires proof of both demand and acceptance. Neither exists in the present case. Mere vague or casual words cannot constitute a demand under law, as held by this Hon'ble Court in ***Soundarajan v. State***[3], and ***Jagtar Singh v. State of Punjab***[4].

v. That the involvement of Accused No. 3 (Mohammed Ali) in a telephonic conversation does not implicate the Respondent No. 1 directly, as the

[2] *1992* Supp (1) SCC 335
[3] (2023) 16 SCC 141
[4] (2023) 19 SCC 498

said conversation lacks the necessary details to establish a demand or agreement for illegal gratification. The investigation has failed to establish any direct link between the Respondent No. 1 and the alleged illegal demand.

vi. That the departmental enquiry conducted in respect of the trap proceedings exonerated Venkatesh (Accused No.4) and G. Ramesh (Accused No.5) from all allegations, which is a significant finding militating against the prosecution's case.

vii. That this Court, in ***K. Shanthamma v. State of Telangana***[5], has clearly held that both demand and acceptance are *sine qua non* for establishing an offence under Section 7 of the PC Act. The High Court rightly applied this principle while quashing the FIR.

[5] (2022) 4 SCC 574

ANALYSIS

15. We have heard the learned counsel for the respective parties and have perused the material on record.

(A) Scope of power to quash an FIR

16. The power to quash an FIR vested in the High Court under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "CrPC") is an extraordinary and discretionary power, which must be exercised sparingly and with great circumspection. This Court has consistently held that at the stage of considering a petition for quashing an FIR, the Court is not required to examine the merits of the allegations or to evaluate the evidence that may ultimately be led at trial. The sole and limited inquiry at this threshold stage is whether the allegations set out in the FIR, taken at their face value and accepted in their entirety as true, *prima facie* disclose the commission of a cognizable offence against the accused. It is not permissible for the Court to conduct what amounts to a mini-trial by sifting through the evidence, assessing probabilities, or weighing the credibility of

witnesses, for these are functions exclusively reserved for the court of trial.

17. In the present case, the High Court, in our considered opinion, has traversed beyond the permissible limits of its jurisdiction under Article 226 in exercising the power under Section 482 CrPC. Rather than confining itself ascertaining as to whether any *prima facie* case has been made out of commission of offence on the basis of the contents of the FIR, the High Court proceeded to examine the outcome of the trap proceedings, the absence of personal recovery from Respondent No. 1, the result of the phenolphthalein test, and the findings of a departmental enquiry against some of the accused, all of which are matters of evidence to be evaluated at the stage of trial. By undertaking such a detailed examination, the High Court has in effect conducted a mini-trial, which is fundamentally contrary to the settled principles governing the exercise of the quashing jurisdiction.

(B) Section 7(a) of the Prevention of Corruption Act, 1988: Scope and Ambit

18. In order to appreciate the contention of the Appellant, it is necessary to advert to the relevant provisions of the PC Act. Section 7(a) of the PC Act reads as follows:

> "**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"

Section 7 is further clarified by Explanation 2, which provides that,

> "**Explanation 2**.—For the purpose of this section,—
>
> (i) the expressions "obtains" or "accepts" or "attempts to obtain" shall cover cases where a person being a public servant, obtains or "accepts" or attempts to obtain, any undue advantage for himself or for another person, by abusing his position as a public servant or by using his personal influence over another public servant; or by any other corrupt or illegal means;
>
> (ii) it shall be immaterial whether such person being a public servant obtains or accepts, or attempts to obtain the undue advantage directly or through a third party."

19. As we proceed to examine the issue at hand, it would be necessary ascertain the ingredients of Section 7(a) of the PC Act under which the Respondent No.1 has been charged.

When we split Section 7(a) of the PC Act, it consists of the following parts:

(i) The charged person must be a public servant;

(ii) Such a public servant should be charged of obtaining or accepting or attempting to obtain an undue advantage;

(iii) from any person;

(iv) with the intention to

(a) perform or cause performance of public duty;
(b) improperly or dishonestly or to forbear or cause forbearance to perform such duty;

(v) such act of performance or forbearance is to be done either

(a) by himself; or
(b) by another public servant.

If the aforesaid parts or ingredients are disclosed, such a public servant can be charged of committing offence contemplated under Section 7(a) of the PC Act.

20. Reading of Section 7(a) of the PC Act, however, would indicate that it will apply when the public servant *himself* obtains or accepts or attempts to obtain the undue advantage, by doing such acts with the intention as mentioned in the aforesaid Clause (a).

However, it appears that the Explanation 2(i) to Section 7 has enlarged the scope of the offence by not restricting the beneficiaries to the public servant *himself* only but to "another person" also. Explanation 2 (i) to Section 7 expands the scope of the beneficiaries by not confining only to the public servant who obtains, accepts or attempts to obtain an undue advantage, but also in favour of "another person" who may or may not be a "public servant" as there is no qualification to the words "another person". Thus, Explanation 2(i) clearly mentions that for the purpose of Section 7, the expressions "obtains" or "accepts" or "attempts to obtain" shall cover cases where a person being a public servant, obtains or accepts or attempts to obtain, any undue advantage <u>for himself or for another person</u>, by abusing <u>his position as a public servant or by using his</u>

personal influence over another public servant; or by any other corrupt or illegal means.

Further, Explanation 2(ii) provides that it shall be immaterial whether such person being a public servant obtains or accepts, or attempts to obtain the undue advantage directly or through a third party.

21. Therefore, it is clear from Section 7(a) read with Explanation 2(i) that it is not necessary that the public servant himself has to obtain or accept or attempt to obtain undue advantage for himself only, but such undue advantage can be obtained or accepted or attempted to be obtained for "another person" also.

Further, as per Explanation 2(i) such obtaining/accepting/attempting to obtain undue advantages can be by way of abusing the position of public servant himself but also by using the personal influence over "*another public servant*". Therefore, Explanation 2 clearly provides that the aforesaid act of performing the public duty improperly/dishonestly or refraining to perform the public

duty can be by himself or by another public servant by using influence by the concerned public servant.

22. Thus, such an offending act can be done by "another public servant" also under the personal influence of the concerned public servant. What we, therefore, understand from the reading of Section 7 (a) of the PC Act read with Explanation 2, is that, it is not necessary that the public servant who has been charged of the offence under Section 7 of the PC Act has to obtain the undue benefit for himself, but it also covers cases where he does the offensive act for obtaining undue advantages for "another person", and this act may be done by himself by abusing his position, or may be executed through another public servant by using his personal influence over the other public servant.

Therefore, in the light of the above provision, a public servant may not be directly a recipient or the executor of the offensive act and thus, may not be in the limelight and remain in the background. Nevertheless, he can be instrumental in ensuring obtaining, accepting or attempting to obtain from another person the undue advantage for

"another person" by taking the help of "another public servant". Such public servant who has been charged of offence under Section 7(a) may be the main instrumentality, through whom undue advantage is obtained and/or arranged through other public servant.

Keeping the aforesaid broad scope of Section 7(a) read with Explanation 2, we must consider the issue on hand.

23. Applying this understanding to the facts of the present case, it is manifest that the allegations in the complaint, taken at their face value, disclose at the very minimum, an attempt by the Respondent No. 1, a public servant to obtain an undue advantage from the Complainant if not for himself but definitely for his subordinates i.e. for another person as contemplated under Explanation 2(i) to Section 7 of the PC Act. The specific allegation attributed to the Respondent No. 1 is him directing the Complainant that he should '*do something for the other police officials'* or '*make those boys happy*' which constitutes a veiled demand for illegal gratification or undue advantage for these persons who were closely associated with him officially. This direction, as

alleged, was immediately followed by a demand from the Accused No. 2 for Rs. 5,000, which further corroborates the causal nexus between the instruction of Respondent No. 1 and the subsequent demand made by his subordinate.

24. The High Court fell into a grave error in characterizing the aforesaid conduct of the Respondent No. 1 as insufficiently proximate to constitute a 'demand' within the meaning of Section 7 of the PC Act. The High Court appears to have imported a requirement of a direct, personal, and express demand by the public servant himself by not taking into consideration Explanation 2, a standard not warranted by the broad statutory language. The PC Act does not countenance any such straitjacketed formulation limiting to acts of demand and acceptance of bribe by the official himself as explained by expansive provision of Explanation 2. It can be for obtaining the undue advantage "for another person" also. Further, an attempt to obtain a bribe through subordinates who are also public servants, is precisely the kind of indirect corruption that the legislature, by enacting

Explanation 2 to Section 7, has sought to bring within the fold of the statute.

25. The interpretation adopted by the High Court, if permitted to stand, would limit the broad scope of Section 7 read with Explanation 2, and would create a pernicious loophole in the anti-corruption law by permitting senior public officials to orchestrate and direct the collection of illegal gratification through their public servant subordinates and park the benefits in the account of the "another person" for whose benefit the public servant intends, while maintaining personal deniability. Such a construction would subvert the manifest purpose and policy of the PC Act and render the Explanation 2 redundant, and thus, cannot be countenanced.

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***[6]:

> "***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*

[6] (2025) 4 SCC 493

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.*

14. *****

15. *We may also refer to a Division Bench decision of the Bombay High Court in Damodar Krishna Kamli v. State [Damodar Krishna Kamli v. State, 1954 SCC OnLine Bom 72 : 1955 Cri LJ 181] . P.B. Gajendragadkar, J. (as his Lordship then was), speaking for the Bench, observed as under : (SCC OnLine Bom para 9)*

> *"9. … If we turn to Section 161, it would be clear that a public servant would be guilty of the offence of taking gratification under the said section even if he agrees to accept the prohibited gratification. It is thus not necessary in order to bring home to the public servant the charge under Section 161 to prove that he has actually accepted or obtained illegal gratification. It would be enough if it be shown that he had agreed to accept the said illegal gratification. In other words, if a proposal is made to the public servant in respect of payment of illegal gratification and the proposal is accepted by the public servant,*

> *he would be guilty under Section 161 of the Penal Code."*
>
> ***16.*** *Section 161 of the Penal Code, 1860 came to be omitted at the time when the Prevention of Corruption Act, 1947 came to be repealed and the Prevention of Corruption of Act, 1988 came into force. Section 161 IPC is pari materia to Section 7 of the 1988 Act.*"

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. The Respondent No. 1's implicit yet unmistakable direction to the Complainant to provide illegal gratification to his subordinate police officials as disclosed in the records thus falls squarely within the scope of "attempt to obtain" an "undue advantage" "for another person," as contemplated by Explanation 2(i) to Section 7 of the PC Act. The fact that the Respondent No. 1 may not personally have received or even intended to receive any part of the illegal gratification is entirely immaterial to the establishment of the offence at the stage of *prima facie* inquiry, by reason of the express statutory language of Explanation 2 to Section 7 of the PC Act.

(C) Distinction of Judgments Relied Upon by Respondent No. 1

28. We now advert to the three judgments relied upon by Respondent No. 1 in support of the impugned order, in each of which this Court considered the applicability of Section 7 of the PC Act.

(i) ***K. Shanthamma v. State of Telangana***[7], In this case, this Court was called upon to examine the correctness of the conviction of the appellant who had been convicted by the Special Court under Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act, and whose conviction had been confirmed in appeal by the High Court of Telangana. The appellant was a Commercial Tax Officer and the allegation against her was of demanding a bribe of Rs. 3,000 for issuing an assessment order. The prosecution's case rested primarily on the sole testimony of PW 1, the complainant, whose evidence on the question of demand was found to be unreliable because of improvement over his prior statements and being replete with inconsistencies. Upon a full and complete appreciation of the evidence adduced at trial, this Court set aside the conviction.

[7] (2022) 4 SCC 574

The said judgment arose after a full trial. The principles enunciated therein regarding the reliability of evidence of demand and acceptance are applicable only at the stage of trial when the court is called upon to evaluate the evidence adduced by the prosecution and to determine whether the charge has been proved beyond reasonable doubt. They have no application at the stage of quashing an FIR, when the court is only required to determine whether the allegations, taken at face value, *prima facie* disclose a cognizable offence.

(ii) ***Soundarajan v. State Represented by the Inspector of Police***[8]**,** In this case, this Court was called upon to examine the conviction of the appellant, a Sub-Registrar, who had been convicted under Sections 7 and 13(2) read with Section 13(1)(d) of the PC Act for demanding Rs. 500 from the complainant for handing over a registered sale deed. The conviction had been confirmed by the

[8] (2023) 16 SCC 141

High Court of Madras. This Court, upon examining the evidence on record, found that the complainant had not stated anything in his examination-in-chief about the demand made by the appellant, nor had the shadow witness stated in his examination-in-chief that the appellant had made a specific demand for gratification in the presence of the complainant. Applying the principles laid down by the Constitution Bench in ***Neeraj Dutta v. State (NCT of Delhi)***[9], this Court set aside the conviction on the ground that demand for gratification had not been proved by the prosecution beyond reasonable doubt.

This judgment too was rendered in the context of a completed trial, on the basis of a full appreciation of the evidence led by the prosecution. The standard of 'proof beyond reasonable doubt' which is the yardstick for sustaining a conviction at

[9] (2023) 4 SCC 731

the end of trial has no applicability at the threshold stage of quashing an FIR.

(iii) ***Jagtar Singh v. State of Punjab***[10]**,** In this case too, the Court was concerned with a criminal appeal against a conviction by the trial court that had been upheld by the High Court of Punjab and Haryana. The appellant had been convicted for demanding Rs. 500 as illegal gratification for supplying a death certificate. At trial, the complainant as well as the shadow witness had turned hostile. The only witness who had deposed about recovery was PW 8 (the District Social Security Officer), who stated that he recovered the currency notes from the appellant. This Court, applying the principles enunciated in the Constitution Bench judgment in **Neeraj Dutta** (**supra**), found that there was no evidence on record to prove the demand of illegal gratification and that

[10] (2023) 19 SCC 498

the High Court had incorrectly drawn an inference of demand solely from the fact of recovery. The conviction was accordingly set aside.

The ratio of this judgment is applicable in the context of an appeal against conviction upon a concluded trial. As this Court itself observed in **Jagtar Singh** (**supra**), in the absence of evidence of the complainant, it is permissible to draw an inferential deduction of culpability under Sections 7 and 13(1)(d) of the PC Act based on other evidence adduced by the prosecution. The entire discussion in this case pertains to the evidentiary threshold for sustaining a conviction again a matter entirely distinct from the *prima facie* threshold for permitting an investigation to proceed. All questions of evidence and proof are to be resolved at the trial stage.

29. It is manifest from the foregoing analysis that all three judgments relied upon by Respondent No. 1 and by the High Court are distinguishable from the present case on a fundamental and decisive ground i.e., each of those

judgments arose in the context of a completed criminal trial, wherein the court was required to evaluate whether the evidence adduced by the prosecution met the standard of proof beyond reasonable doubt necessary to sustain a conviction. The present case, on the other hand, is at the pre-trial stage, when no evidence has been led, no witnesses have been examined, and charge sheet has not been evaluated. The principles and standards articulated in post-trial judgments cannot be transplanted to the pre-trial stage of considering the quashing of an FIR.

30. Significantly, as rightly argued by the Appellant, in ***Jagtar Singh*** (**supra**), this Court itself observed that in the absence of evidence of the complainant, the inference of culpability under Section 7 may be drawn from circumstantial evidence. In the present case, the circumstantial evidence including the recorded telephonic conversations and the recovery of bribe amount from a person closely connected with the Respondent No. 1 constitutes material that is required to be examined and evaluated during the course of the trial. Whether such

evidence ultimately supports the inference of demand and attempt to obtain an undue advantage is a question to be resolved by the trial court upon a full consideration of all the evidence. It is not a matter to be pre-empted and foreclosed at the stage of quashing.

(D) The Role of the Departmental Enquiry Report

31. The Respondent No. 1 has placed considerable reliance upon the fact that a departmental enquiry was conducted against Venkatesh (Accused No. 4) and G. Ramesh (Accused No. 5) and that both were exonerated. In our view, this reliance is wholly misplaced and liable to be ignored on the following grounds:

(i) The departmental enquiry and its findings pertain to Venkatesh and G. Ramesh, not to the Respondent No. 1 directly. The exoneration of subordinates in a departmental proceeding cannot operate as an exoneration of the principal accused in a criminal investigation.

(ii) The said report was not placed before the High Court during the hearing of the writ petition as the departmental enquiry order was passed later, on 12.08.2025 and cannot, therefore, be relied upon to sustain the impugned order.

(E) The Question of Mala Fide

32. The Respondent No. 1 has contended that the present FIR is a retaliatory and mala fide complaint, motivated by prior hostility arising out of the Respondent no. 1's refusal to invoke Section 307 IPC in Crime No.25/2022 and his filing of a charge sheet against the Complainant in Crime No. 48/2023 under the Essential Commodities Act. We do not find merit in this contention. The question as to whether a complaint is motivated by mala fides is itself a matter of evidence and trial. The mere allegation of pre-existing hostility does not render the allegations in the FIR so inherently improbable or manifestly absurd as to justify quashing, especially in light of the presence of recordings of conversation between the Complainant and Respondent

No.1. The Complainant's motive, if any, is a matter that can be tested by the defence in the course of the trial by way of cross-examination or otherwise. The existence of prior disputes between the parties does not, in and of itself, constitute a ground for quashing the FIR, particularly when the allegations, taken at face value, disclose a *prima facie* cognizable offence.

CONCLUSION

33. In the light of the foregoing discussion, we are of the considered opinion that the impugned order dated 23.01.2024 passed by the High Court of Karnataka, Circuit Bench at Dharwad in Writ Petition No. 104236 of 2023 is liable to be set aside as it is contrary to the settled principles governing Section 7 of the PC Act and also the exercise of the power of quashing an FIR and the High Court had practically conducted a mini-trial which is impermissible at the threshold.

34. As even an attempt to obtain an undue advantage, made through the specific demand attributed to Respondent

No. 1 to the effect that the Complainant should 'Do something for those boys' falls *prima facie* within the ambit of Section 7(a) of the PC Act read with Explanation 2 thereto, inasmuch as Section 7, expressly includes the 'attempt to obtain' an undue advantage and is not confined to actual obtainment, and Explanation 2 makes it clear that it is immaterial whether the advantage is sought for another person or directly or through a third party.

35. The allegations set out in the complaint and the FIR bearing Crime No. 04/2023 dated 03.06.2023, taken at their face value, *prima facie* disclose the commission of an offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988 against Respondent No. 1.

36. Accordingly, the appeal is allowed. The impugned Judgment and Order dated 23.01.2024 passed by the High Court of Karnataka at Dharwad in Writ Petition No. 104236 of 2023 is hereby set aside. FIR bearing Crime No. 04/2023 dated 03.06.2023 registered against Respondent No. 1 under Section 7(a) of the Prevention of Corruption Act, 1988 and all

proceedings arising therefrom, stand revived and restored and the trial court to proceed in accordance with law.

37. It is, however, clarified that the observations made hereinabove are only with reference to the consideration as to whether any *prima facie* case is made out to constitute the offence as alleged in the FIR for the purpose of consideration in exercise of the power under Section 482 CrPC and it cannot influence in any manner the final or conclusive determination of the guilt or innocence of Respondent No. 1 which has to be determined at the conclusion of the trial based on the evidence that may be adduced during the trial. Whether, at trial, the prosecution is able to establish beyond reasonable doubt the commission of the offence under Section 7(a) of the PC Act including whether the conduct of Respondent No. 1 amounted to a demand or an attempt to obtain an undue advantage within the meaning of Section 7(a) is a matter entirely within the domain of the trial court, to be determined upon evidence duly led and examined in accordance with law and the observations made herein would have no bearing *qua* merit of the case.

38. The Interlocutory Applications, if any, stand disposed of accordingly.

.....J.
(SANJAY KAROL)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
MAY 26, 2026.