



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.(s) ____ OF 2026
(ARISING OUT OF SLP (CRL.) NO(s). 1522 OF 2022)**

STATE OF KARNATAKA & ANR.

... APPELLANT(S)

VERSUS

PRABHU SHANKAR & ANR.

... RESPONDENT(S)

**WITH
CRIMINAL APPEAL NO(s). ____ OF 2026
(ARISING OUT OF SLP (CRL.) NO(s). 1852 OF 2022)**

**WITH
CRIMINAL APPEAL NO(s). ____ OF 2026
(ARISING OUT OF SLP (CRL.) NO(s). 2361 OF 2022)**

**WITH
CRIMINAL APPEAL NO(s). ____ OF 2026
(ARISING OUT OF SLP (CRL.) NO(s). 1755 OF 2022)**

**WITH
CRIMINAL APPEAL NO(s). ____ OF 2026
(ARISING OUT OF SLP (CRL.) NO(s). 2033 OF 2022)**

**WITH
CRIMINAL APPEAL NO(s). ____ OF 2026
(ARISING OUT OF SLP (CRL.) NO. 6639 OF 2022)**

**WITH
CRIMINAL APPEAL NO(s). ____ OF 2026
(ARISING OUT OF SLP (CRL.) NO. 6680 OF 2022)**

J U D G M E N T

SANJAY KAROL, J.

Leave granted.

2. The present batch of seven appeals have been preferred by the State of Karnataka against the common judgment and orders dated 08.09.2021 passed in:

- i. Criminal Petition No. 2470/2020 connected with Criminal Petition No. 2473/2020 and Criminal Petition No. 2485/2020¹ ('first impugned order');
- ii. Criminal Petition No. 3297/2020 connected with Criminal Petition No. 488/2021² ('second impugned order');
- iii. Criminal Petition No. 2390/2020³ ('third impugned order'); and
- iv. Criminal Petition No. 2389/2020.⁴ ('fourth impugned order').

3. The brief facts giving rise to these appeals are that six FIRs were registered against the respondents, including Mr. Prabhu Shankar⁵, Assistant Commissioner of Police, Central Crime Branch, Bengaluru and Mr. Niranjana Kumar C.⁶, Police Inspector, Central Crime Branch, Bengaluru under Sections 7(a), 13(1)(a) read with 13(2) of the Prevention of Corruption Act, 1988⁷ and Section 384 read with Section 34 of the Indian Penal Code, 1860⁸.

¹ Hereinafter 'first impugned order'.

² Hereinafter 'second impugned order'.

³ Hereinafter 'third impugned order'.

⁴ Hereinafter 'fourth impugned order'.

⁵ Hereinafter 'respondent no. 1'.

⁶ Hereinafter 'respondent no. 2'.

⁷ Hereinafter 'PC Act'.

⁸ Hereinafter 'IPC'.

4. Aggrieved by these FIRs, the abovementioned accused persons filed criminal petitions seeking quashing of the FIRs before the High Court of Karnataka under Section 482 of the Code of Criminal Procedure, 1973. *Vide* four impugned orders dated 08.09.2021, the High Court allowed the criminal petitions and quashed the aforementioned FIRs against these accused persons, primarily on the grounds of lack of *prima facie* material, unexplained delay, and allegations of malafides.

5. For ease of reference, the allegations in the FIR, along with consequent petition numbers, are set out below:

S.No.	FIR No.	Allegations	HC Petition	SLP Number
1.	Crime No. 17/2020 Dt. 21.05.20	<u>Date of incident</u> : 30.03.2020 <u>Complainant</u> : Dy. SP, ACB Registered u/s 7(a), 13(1)(a) read with 13(2) of the PC Act.	Crl. P. 2470/2020	SLP (Crl.) 1522/2022
2.	Crime No. 15/2020 Dt. 21.05.20	<u>Date of incident</u> : 02.04.2020 - 08.05.2020 <u>Complainant</u> : Dy. SP, ACB Registered u/s 7(a), 13(1)(a) read with 13(2) of the PC Act.	Crl. P. No. 2473/2020	SLP (Crl.) No. 1852/2022
3.	Crime No. 16/2020 Dt. 21.05.20	<u>Date of incident</u> : 25.04.2020 <u>Complainant</u> : Dy. SP, ACB Registered u/s 7(a), 13(1)(a) read with 13(2) of the PC Act.	Crl. P. No. 2485/2020	SLP (Crl.) No. 2361/2022
4.	Crime No. 23/2020	<u>Date of incident</u> : 16.04.2020 <u>Complainant</u> : Anwar Mohd. Fahim	Crl. P. No. 3297/2020	SLP (Crl.) No. 1755/2022

	Dt. 24.06.20	Registered u/s 7(a), 13(1)(a) read with 13(2) of the PC Act.	Crl. P. No. 488/2021	SLP (Crl.) No. 2033/2022
5.	Crime No. 63/2020 Dt. 12.05.20	<u>Date of incident:</u> 30.03.2020 – 09.04.2020 <u>Complainant:</u> Shaji George Thomas Registered u/s 384 read with 34 of the IPC.	Crl. P. No. 2390/2020	SLP (Crl.) No. 6639/2022
6.	Crime No. 64/2020 Dt. 12.05.20	<u>Date of incident:</u> 20.04.2020 <u>Complainant:</u> Adil Azeez Registered u/s 384 read with 34 of the IPC.	Crl. P. No. 2389/2020	SLP (Crl.) No. 6680/2022

6. Upon consideration of the first impugned order, we find the High Court to have made the following observations:

- a. The delay in lodging of FIR has not been properly explained.
- b. There is no demand and acceptance, which is *sine qua non* for registration of a case under the PC Act.
- c. Moreover, the registration of FIRs in the present case (Crime No. 15, 16, 17 of 2020) amounts to second FIRs for the same offence, as earlier Crime No. 63 and 64 of 2020 has been registered under IPC sections on the same set of allegations.
- d. The court observed that the cases appeared to be a result of malafides intentions and infighting between officers of the same department.

7. Observations to similar effect have been made in the second impugned order.

8. In the third impugned order, it was observed by the High Court that there is no proof of demand, acceptance or threat to any person. Consequently, the ingredients of Section 384 read with Section 34 of the IPC are not met. Moreover, there was no exchange of money with respondent no. 1, but demand or acceptance was only with respect to other police officers. Similar observations have been made in the fourth impugned order.

9. We have heard the parties and perused the written submissions filed. While service was completed on respondent no. 2 twice, no one entered appearance on their behalf. Learned AAG, Mr. Prateek Chadha, appearing on behalf of the appellant State, has submitted that each FIR discloses a cognizable offence and does not fall within any one of the exceptions laid down in *State of Haryana v. Bhajan Lal*⁹. Moreover, the High Court's finding in all the four impugned orders that the FIRs were registered maliciously, is unsupported by any material on record. The High Court exceeded its jurisdiction under Section 482 of the Criminal Procedure Code, 1973¹⁰ by conducting a mini-trial and evaluating the veracity of evidence at the investigation stage, rather than restricting itself to whether the contents of the FIR disclosed an offence.

10. *Per Contra*, the learned counsel for respondent No.1 has submitted that the High Court rightly quashed the FIRs against the respondents. He contended that there are material inconsistencies and contradictions in the various FIRs. Moreover, on the same set of allegations, in the departmental enquiry, respondent no. 1, stands exonerated. The counsel argued that the impugned proceedings are not a pursuit of justice but a direct consequence of political pressure and departmental infighting,

⁹ 1992 Sup (1) SCC 335.

¹⁰ Hereinafter 'CrPC'.

due to the respondent's investigation into illegal cigarette distribution during the lockdown period.

11. It is settled law that the power to quash an FIR under Section 482 of the CrPC is to be exercised sparingly and not as a matter of routine. Moreover, when a High Court is entertaining a petition for quashing of FIR, it is to refrain from entering into roving and fishing enquiry about the investigative material. What has to be seen is whether, *prima facie*, the contents of the FIR disclose any commission of a cognizable offence or not. At this initial stage, a 'mini-trial' cannot be conducted by the High Court.

12. In the considered view of this Court, the High Court *vide* the impugned orders has traversed beyond the contours of consideration of a petition under Section 482, CrPC. There were two material aspects which weighed with the High Court, the delay in lodging of the FIR and no evidence of demand/recovery of money. In our view, there cannot be any doubt that these aspects would have to be established through evidence in the criminal trial or may warrant consideration for discharge. Absence of proof as to demand of illegal gratification and recovery thereof, may become a ground for discharge and/or ultimate acquittal in the trial; however, they cannot become grounds for quashing of the FIR.

13. For this, we advert to the recent exposition of this Court in ***State v. K. Rangayya***¹¹, wherein while setting aside the order of the High Court quashing the FIR, it was observed:

“16. The power to quash an FIR vested in the High Court under Section 482 of the Criminal Procedure Code, 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

¹¹ 2026 SCC OnLine SC 963.

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.

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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.”

(emphasis supplied)

14. In view of the above exposition, the observation of the High Court in the third impugned order, that the money was not paid directly to respondent no. 1, also cannot stand at the stage of *prima facie* evaluation of the FIRs.

15. Similarly, on the aspect of delay in lodging of the FIR, this Court in ***Punit Beriwalla v. State of NCT of Delhi and Ors.***¹² observed:

“37. It is settled law that delay in registration of the FIR for offences punishable with imprisonment of more than three years cannot be the basis of interdicting a criminal investigation. The delay will assume importance only when the complainant fails to give a plausible explanation and whether the explanation is plausible or not, has to be decided by the Trial Court only after recording the evidence. In this context, the Supreme Court in *Skoda Auto Volkswagen (India) Private Limited v. State of Uttar Pradesh*, (2021) 5 SCC 795 has held, “The mere delay on the part of the third respondent complainant in lodging the complaint, cannot by itself be a ground to quash the FIR. The law is too well settled on this aspect to warrant any reference to precedents....”

(emphasis supplied)

16. Another observation of the High Court in the first impugned order, which is required to be addressed, is that the registration of certain FIRs in the instant case amounts to second FIRs for the very same offence, as earlier Crime No. 63 and 64 of 2020 stood registered under IPC sections on the same set of allegations. Upon a perusal of the contents of the FIRs, we are not inclined to accept this reasoning. We refer to the exposition of this Court in ***State of Rajasthan v. Surendra Singh Rathore***¹³, wherein it was categorically observed that:

“10. The FIR prior in point of time refers to a particular incident and the action taken therein is limited. The second FIR pertains to the larger issue of widespread corruption in the concerned department and, therefore, is much larger in its scope than the previous FIR.

11. Quashing of the FIR would nip the investigation into such corruption, in the bud. The same would be against the interest of society.”

¹² 2025 SCC OnLine SC 983.

¹³ 2025 SCC OnLine SC 358.

17. Before parting with these appeals, we deem it appropriate to reiterate the observations made by this Court in *State of Chhattisgarh v. Aman Kumar Singh*¹⁴:

“50. Since there exists no magic wand as in fairy tales, a swish of which could wipe out greed, the constitutional courts owe a duty to the people of the nation to show zero tolerance to corruption and come down heavily against the perpetrators of the crime while at the same time saving those innocent public servants, who unfortunately get entangled by men of dubious conduct acting from behind the screen with ulterior motives and/or to achieve vested interests. The task, no doubt, is onerous but every effort ought to be made to achieve it by sifting the grain from the chaff. We leave the discussion here with the fervent hope of better times in future.

80. Having regard to what we have observed above in paras 47 to 50 (*supra*) and to maintain probity in the system of governance as well as to ensure that societal pollutants are weeded out at the earliest, it would be eminently desirable if the High Courts maintain a hands-off approach and not quash a first information report pertaining to “corruption” cases, specially at the stage of investigation, even though certain elements of strong-arm tactics of the ruling dispensation might be discernible. The considerations that could apply to quashing of first information reports pertaining to offences punishable under general penal statutes *ex proprio vigore* may not be applicable to a PC Act offence. Majorly, the proper course for the High Courts to follow, in cases under the PC Act, would be to permit the investigation to be taken to its logical conclusion and leave the aggrieved party to pursue the remedy made available by law at an appropriate stage. If at all interference in any case is considered necessary, the same should rest on the very special features of the case.

81. Although what would constitute the special features has necessarily to depend on the peculiar facts of each case, interference could be made in exceptional cases where the records reveal absolutely no material to support even a reasonable suspicion of a public servant having intentionally enriched himself illicitly during the period of his service and nothing other than mala fide is the basis for subjecting such servant to an investigation.

82. We quite appreciate that there could be cases of innocent public servants being entangled in investigations arising out of motivated complaints and the consequent mental agony, emotional pain and social stigma that they would have to encounter in the process, but this small price has to be paid if there is to be a society governed by the rule of law. While we do not intend to fetter the High Courts from intervening in appropriate cases, it is only

¹⁴ (2023) 6 SCC 559.

just and proper to remind the courts to be careful, circumspect and cautious in quashing first information reports resting on mala fide of the nature alleged herein.”

18. In view of the above, in the attending facts, this Court is of the view that the impugned orders cannot be sustained in law.

19. Therefore, the present appeals are allowed. The common judgment and orders dated 08.09.2021, passed by the High Court of Karnataka in Criminal Petition No. 2470/2020 connected with Criminal Petition No. 2473/2020 and Criminal Petition No. 2485/2020; Criminal Petition No. 3297/2020 connected with Criminal Petition No. 488/2021; Criminal Petition No. 2390/2020 and Criminal Petition No. 2389/2020 are hereby set aside.

20. Needless to add, the respondents are free to exercise their remedies in accordance with law, and the same shall be decided uninfluenced of the observations made hereinabove.

21. Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KAROL)

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

New Delhi
July 30, 2026