


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 1247/2025

Jagdish Singh S/o Shri Samandar Singh, Aged About 53 Years,
R/o Village Jahira, Police Station Bamanwas, District
Sawaimadhapur, Presently Head Constable 1259 At Police Line
Sawai Madhopur.

----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Mohan Lal Harijan S/o Bharosi Lal, R/o Village Sevala,
Police Station Piloda, District Sawai Madhopur.

----Respondents

For Petitioner(s)	:	Mr. Anil Kumar Shukla Mr. Rajendra Prasad Gautam
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR

Judgment

Date of Conclusion of Arguments	15.01.2026
Date on which the judgment was reserved	15.01.2026
Whether the full judgment or only the operative part is pronounced	Full Judgment
Date of pronouncement	27.01.2026

REPORTABLE

1. This petition has been filed under Section 528 BNSS seeking quashing of FIR No. 334/2022 registered at Police Station Pradhan Aarkshi Kendra, Anti Corruption Bureau, Jaipur, District Anti Corruption Bureau Chowki Karauli for the offences under Sections 7, 7-A of the Prevention of Corruption (Amendment) Act, 2018

(hereinafter referred to as the "Act of 2018") and Section 120-B IPC.

2. As per the FIR, the petitioner-accused Jagdish Singh, HC No. 1259 P.S. Piloda District Sawai Madhopur, while functioning as a public servant, demanded illegal gratification in connection with providing assistance to the complainant in complaint filed by the complainant. Initially, a bribe of Rs. 20,000/- was demanded thereafter middleman Rajulal Sharma, while accepting Rs. 10,000/- on behalf of the accused public servant, was caught red handed following that accused Jagdish accepted the tainted currency from the middleman. Subsequently, the accused was intercepted and taken to P.S. Piloda District Sawai Madhopur where hand-wash proceedings were conducted and tainted amount of Rs. 10,000/- was recovered from the accused petitioner.

3. The petitioner has challenged the FIR on the grounds that no work was pending with him. It is contended that recovery was not effected from the petitioner. Learned counsel for the petitioner submits that there was no demand of bribe by the petitioner and that the alleged amount was recovered only from the co-accused and not from the petitioner. It is further submitted that the recording of the telephone conversation requires strict proof and cannot be relied upon. It is argued that the FIR does not disclose the essential ingredients of demand and acceptance therefore, impugned FIR may be quashed as continuation of the proceedings would amount to abuse of process of law.

4. On the other hand, learned Public Prosecutor has opposed the petition. It is submitted that the telephone conversation

among the complainant, the petitioner, and the middleman prima facie establishes demand of bribe. The middleman was caught with the bribe amount in a duly arranged trap, and thereafter the amount was recovered from the present petitioner as well. The phenolphthalein test of the petitioner as well as of the middleman was found positive. It is further contended that no exceptional ground exists for invoking inherent jurisdiction under Section 528 BNSS hence, the petition deserves to be dismissed.

5. On perusal of the material available on record, it prima facie appears that the FIR discloses cognizable offences under the "Act of 2018". The record reflects demand of illegal gratification, supported by telephonic conversations and trap proceedings. Further, there is recovery of tainted money from the present petitioner as well as from the middleman, Rajulal Sharma and the positive phenolphthalein test establishes a prima facie linkage.

6. The Hon'ble Supreme Court has consistently held that inherent powers under Section 482 Cr.P.C. are to be exercised sparingly and only in exceptional circumstances. In ***State of Haryana v. Bhajan Lal, AIR 1992 SC 604*** it has been held that an FIR can be quashed only where the allegations, even if taken at face value, do not disclose the commission of any offence. Similarly, in ***Amit Kapoor v. Ramesh Chander & ors., (2012) 9 SCC 460***, the Apex Court has observed that though there are no limits of the powers of the Court under Section 482 of the Code but the more the power, the more due care and caution is to be exercised in invoking these powers. The power of quashing criminal proceedings, particularly, the charge framed in terms of

Section 228 of the Code should be exercised very sparingly and with circumspection and that too in the rarest of rare cases.

7. The crux of the above judgments is that the power under Section 482 Cr.P.C. is extraordinary in nature and cannot be used to scuttle a legitimate investigation. In the present case, the FIR specifically contains allegations of demand and acceptance of illegal gratification through the middleman. The recovery of tainted money coupled with a positive phenolphthalein test clearly discloses sufficient material to constitute offences under the "Act of 2018". At this stage, the Court is required only to discern the prima facie existence of the offence not the sufficiency of evidence.

8. The learned counsel for the petitioner has submitted that no work was pending with the petitioner; however, such a defence does not constitute a valid ground for quashing the FIR. By virtue of Section 7A of the "Act of 2018", it is well settled that even if the work was to be performed by some other officer, a demand of illegal gratification by a public servant itself constitutes an offence under the Prevention of Corruption Act. In this regard, the Hon'ble Supreme Court in **Chaturdas Bhagwandas Patel Vs. State of Gujarat, AIR 1976 SC 1497** has enunciated the principle that the Section does not require that the public servant must be in a position to do the official act, favour or service at the time of the demand or receipt of the gratification. To constitute an offence under this Section it is enough if the public servant who accepts the gratification takes it by inducing a belief or by holding out that he would render assistance to the giver "with any other public servant" and the giver gives the gratification under that belief.

9. Furthermore, rest of defences agitated by the learned counsel for the petitioner are essentially matters for trial and cannot be appreciated at this pre mature stage.

10. My above view is supported by the judicial pronouncement of the Hon'ble Supreme Court in **H.M.T. Watches Ltd. Vs. M. A. Abida & anr., (2015) 11 SCC 776**, in which it was propounded that defence of accused even though appearing plausible cannot be considered for exercise of the jurisdiction under Section 482 Cr.P.C.

11. The Hon'ble Supreme Court in **Zandu Pharmaceutical Works Ltd. & Ors. Vs. Md. Shraful Haque & Anr., AIR 2005 SC 9** has categorically held that the High Court, while exercising jurisdiction under Section 482 Cr.P.C., cannot embark upon appreciation or evaluation of evidence at a pre-trial stage.

12. In the present case, the trap operation was conducted by Anti Corruption Bureau, recovery was made and phenolphthalein test was found positive. There is no material suggesting vindictiveness, animosity or improper motive on the part of complainant or the Investigating Agency.

13. Therefore, in view of what has been discussed above, this Court finds no justification for invoking inherent powers under Section 528 BNSS.

14. Accordingly, the petition lacks merit and is hereby dismissed.

(PRAMIL KUMAR MATHUR), J.

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