

ABC 2025 (II) 679 SC

ACQUITTAL & BAIL CASES

a

SUPREME COURT OF INDIA

(B.R. Gavai & K. Vinod Chandran, JJ.)

Criminal Appeal No. 5248 of 2016

b *(Arising Out Of Special Leave Petition (Crl.) No.[Number])(if applicable)*

Decided On 26 September 2025

THE STATE OF TELANGANA - *Appellant(s).*

Versus

c JERUSALEM MATHAI AND ANR. - *Respondent(s).*

Law Covered:- (A) *Code of Criminal Procedure, 1973 - Section 482 (Bharatiya Nagarik Suraksha Sanhita, 2023 - S. 528) - Inherent power to quash FIR/complaint - Absence of material against particular accused - Mere casual/vague allegation in complaint that a particular person (A-4) offered bribe on telephone, without any linkage to the actual transaction, time of call, or supporting material - No cognizable offence disclosed against A-4 - Quashing of proceedings against A-4 justified even at the FIR stage. (Paras 5-8)*

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(B) *Prevention of Corruption Act, 1988 - Section 12 - Abetment of bribery - Requirement of specific averments - FIR registered on the basis of a complaint alleging two separate bribe offers - No allegation that A-4 was present when the actual transaction took place or that the second offer was connected to the first - Mere mention of a phone call without particulars insufficient to implicate A-4 - Proceedings rightly quashed. (Paras 5-8)*

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Facts:- *An MLA lodged a complaint alleging bribe offers ahead of MLC elections. FIR was registered under Section 12 PC Act after a sting operation, but A-4 was implicated only on a vague assertion of a phone call offering Rs. 2 crores. No material linked A-4 to the actual transaction or recovery. High Court quashed the proceedings against A-4. Supreme Court found no error - the allegation was too casual and disconnected to sustain a cognizable offence against A-4.*

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Law of relief:- *Mere casual/vague allegation in complaint regarding bribe on telephone, without any supporting material - Fatal to prosecution case.*

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Counsel:-

For Petitioner(s): Dr. Menaka Guruswamy, Sr. Adv.

For Respondent(s): G. Prakash, Adv.

JUDGMENT

K. Vinod Chandran, J.:-

1. The Special Leave Petitions are filed against the order of the High Court, quashing the crime registered by the Anti-Corruption Bureau Police Station, City Range-I, Hyderabad as against A4.

2. Dr. Menaka Guruswamy, learned Senior Counsel appeared for the State and Mr. G. Prakash, learned counsel appeared for the complainant in the separate Special Leave Petition. It was contended that the High Court has erred insofar as conducting a mini trial in the quashing proceedings which has been deprecated by this Court on many occasions. The FIR is read out to indicate that there is a cognizable offence made out, there were also recordings made, and the bribe amounts recovered, in which event, there should not have been an order of quashing at such a preliminary stage.

3. The learned counsel for the respondents, however, pointed out that there was absolutely no material against A4, the petitioner before the High Court, and the quashing was on valid grounds as no cognizable offence being made out and the allegations made in the FIR and the complaint, at least against A4, are so improbable as to justify the quashing of the proceedings.

4. True, the learned Single Judge of the High Court has written an order running into pages, quoting various decisions and extracts made from them. Some of the decisions quoted were on faulty investigation which need not have been referred to. For reason, only of brevity having not been employed, we cannot set aside an order which though lengthy, has cited justifiable reasons to quash the proceedings. Brevity at times is a virtue but often in legalese it is faulted as levity and in adjudicatory orders, projected as non-application of mind. However, we are not convinced that there was a mini trial conducted or that there was no justifiable reason to quash the complaint.

5. Suffice it to notice the facts leading to the registration of the FIR. The complainant, who is one of the petitioners before us, in writing, complained against A4 and two others through Annexure P1 dated 28.05.2015. The same was addressed to the Director General, Anti-Corruption Bureau, Hyderabad, Telangana. But no FIR is seen to have been registered on 28.05.2015. As per the complaint, first, it was alleged that the petitioner before the High Court had offered him Rs.2 crores and a ticket to leave the country or vote in the elections to the Member of Legislative Council (MLC) scheduled on 01.06.2015 in

a favour of a particular political party. The second paragraph indicates that a higher offer of Rs.5 crores was made for the identical conduct of abstaining from the voting or to vote in a particular manner. It was also alleged that the person who made the second offer specified that the transactions would be carried out by another. There was no indication in the complaint as to when such offer was made and b nothing stated as to the response made by the complainant. It was also not alleged that the two instances were in any way connected.

c 6. The FIR indicates that the information was received on 28.05.2015 at 15:00 hours but the general diary reference shows the entry made as on 31.05.2015 at 23:00 hours. The FIR is also dated 31.05.2015. As noted above, no FIR was registered on the written complaint made by the complainant, a Member of the Legislative Assembly, under Section 154 of the Code of Criminal Procedure, 1973. The FIR further indicates that the police were present at a particular location, wherein the persons d referred to in the second paragraph of the complaint along with another, having come to the residence of the friend of the complainant. There were arrangements made for audio and video recordings. It is also stated that the materials recorded disclosed reasons to suspect the crime and cognizable offence by the accused on which reasoning the crime was e registered under Section 12 of the Prevention of Corruption Act, 1988 for the offence of offering bribe on the eve of the MLC elections to the MLA for exercise of franchise in a particular manner.

f 7. Admittedly, the petitioner before the High Court, A4 was not present on the occasion when the transaction is alleged to have occurred. As we indicated earlier, the allegation made in the complaint against A4 is not in any way linked with the allegation of a higher offer having been made by another. The presence of A-4 is not reported when the alleged transaction occurred.

g 8. We would not speak on the incident that occurred on 31.05.2015 since the persons allegedly involved in the said transactions are not before us. However, we cannot but notice that there is nothing to connect A4 to the crime, but for a casual allegation raised on a call having been received by the complainant without any h indication even of the time when such call was received. We find absolutely no reason to interfere with the order of the High Court and dismiss the Special Leave Petitions.

9. Pending applications, if any, shall stand disposed of.

Result:- Special Leave Petitions dismissed.
