



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

275

CRM-M-34883-2024 (O & M)
Date of decision: 30.09.2025

SADANAND SHARMA

.... PETITIONER(S)

VERSUS

STATE OF HARYANA

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Santosh Kumar, Advocate
for the petitioner.

Mr. Rakesh Kumar Jangra, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 of Cr.P.C. is for quashing the FIR No.29 dated 01.09.2022 under Sections 7, 13 of PC Act, 1988 registered at Police Station SVB Karnal, District Karnal, Haryana (Annexure P-1) and Final Report under Section 173 CR.P.C. and all subsequent proceedings arising therefrom.

2. The brief facts of the case are that an FIR No.29 dated 01.09.2022 under Sections 7, 13 of PC Act, 1988 at Police Station SVB Karnal, District Karnal, Haryana (Annexure P-1) came to be registered at the instance of the complainant-Amarjeet and reads as under:-

He is running a primary school in Vijay Nagar, Jind since 20 years under the name 'Smart Kids' which is recognized by the Director of School Education, Panchkula. On 02.05.2022, Sadanand D.E.E.O and Ghanshyam Clerk visited in our school with a notice that which stated that your school is not running according to the norms and conditions of Director of School



Education, Panchkula for which an action would be taken against you. On 04.05.2022, he submitted the reply of the notice in the office of D.E.E.O, Jind. In the reply he (complainant) stated that his school is already recognized. On 26.08.2022, Sadanand D.E.E.O and Ghanshyam Clerk visited again in his school and Sadanand Vats ask him that, I will show your school according norms for that you have to pay me a sum of Rs.5 Lac as bribe. He refused to pay the bribe money. Again Ghanshyam Clerk on 30.08.2022, visited the school with a order which was issued by the O/o D.E.E.O, Jind in which order was passed that his school is closed within 3 days, on which he talk to Ghanshyam Clerk and Ghanshyam stated that to dispose this order if you have to pay the sum of Rs.5 Lac to me as bribe, otherwise your school would be closed under departmental action. I and Aman (Bhanja) requested again and again to Ghanshyam Clerk that our school is fulfilled all the norms and conditions, on this Ghanshyam stated that this is not the way and you pay sum of Rs.2 Lac in advance and remaining sum of Rs.3 Lac pay later on. I talked to D.E.E.O Sadanand regarding this and he stated that for this you talk to Ghanshyam Clerk, I explain him everything. On 01.09.2022, Aman my Bhanja contacted Ghanshyam Clerk, then he stated to him, that I talked to D.E.E.O sir, you bring amount of Rs.2 Lac and your would be done. I do not want to pay the sum of Rs.2 Lac as bribe money to Sadanand D.E.E.O and Ghanshyam Clerk and without setting the Rs.2 Lac bribe they would get close our school illegally and it is requested to take legal action against them. Sd/-Amarjeet.

3. In furtherance of the FIR (Annexure P-1), a raiding team was constituted and Ghanshyam Clerk, the co-accused of the petitioner was apprehended while receiving an amount of Rs.2 lacs from nephew of the complainant.
4. On conclusion of the investigation, the report under Section



173(8) Cr.P.C. (Section 193(8) of BNSS) (Annexure P-6) was submitted against the petitioner-Sadanand Sharma, District Elementary Education Officer (D.E.E.O.) and Ghanshyam Clerk under Sections 7, 13,(1)b), 13(2) of the Prevention of Corruption Act, 1988 and Sections 120-B, 180 IPC.

5. The aforementioned FIR (Annexure P-1) and the report under Section 173(8) Cr.P.C. (Annexure P-6) are under challenge in the present petition.

6. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case because he did not allow the School to run without recognition of the Director, School Education, Panchkula. In fact, the petitioner had already sent a report to the higher authorities i.e. Director School Education, Panchkula so, there was no occasion for him to demand a bribe. Vide notice dated 29.08.2022 (P-2), the office of the petitioner had directed the School to close its operations within three days. In this situation, the petitioner and his co-accused could not have demanded a bribe. No previous sanction under Section 17-A of the Prevention of Corruption Act, 1988 has been taken to initiate proceedings against the petitioner. The instant second petition has been filed seeking quashing of the FIR (Annexure P-1) and the report under Section 173(8) Cr.P.C. (Annexure P-6) as the matter concerning Section 17-A of the Prevention of Corruption Act, 1988 is still pending before the Hon'ble Supreme Court and the Trial is proceeding in the instant case. He, therefore, prays that the FIR (Annexure P-1), the report under Section 173(2) Cr.P.C. (Annexure P-6) and all consequential proceedings arising therefrom be quashed.

7. The learned counsel for the State, on the other hand, contends



that it is the consistent case of the complainant that the petitioner and his co-accused came to the School on 26.08.2022 and demanded a bribe of Rs.5 lacs. On 30.08.2022, Ghanshyam Clerk came to the School with the notice dated 29.08.2022 of DEEO (petitioner) to the effect that the School was to be shut down within 03 days. He demanded Rs.5 lacs as a bribe on his behalf and on behalf of the petitioner, Rs.2 lacs to be paid in advance and Rs.3 lacs to be paid later. The petitioner spoke to the complainant and endorsed the demand as made by Ghanshyam. Thereafter, on 01.09.2022, Ghanshyam was caught red-handed while accepting the bribe of Rs.2 lacs on behalf of the petitioner and himself. A perusal of Section 17-A of the Prevention of Corruption Act, 1988 would reveal that it is only applicable in the cases where the alleged offence is relatable to any recommendation made or decision taken by a public servant in discharge of his official duties and it is not applicable in raid/trap cases involving the arrest of an accused on the spot while accepting bribe as well as in the cases where the alleged act is *ex facie* an offence. In the instant case, both the petitioner and Ghanshyam Clerk demanded a bribe pursuant to which Ghanshyam was caught red-handed accepting an amount of Rs.2 lacs as against the total demand of Rs.5 lacs. The instant second petition has been filed without any change in circumstances as the petitions regarding Section 17-A of the Prevention of Corruption Act, 1988 are pending adjudication before the Hon'ble Supreme Court. Further 10 of the 21 prosecution witnesses stand examined and therefore, the Trial is proceeding rapidly. At this stage, the quashing of the FIR (Annexure P-1), the report under Section 173(8) Cr.P.C. (Annexure P-8) and all consequential proceedings arising therefrom does not arise. He, thus, prays that the present petition is liable to be



dismissed.

8. I have heard the learned counsel for the parties.

9. Before proceeding further, it would be apposite to refer to Section 17-A of the Prevention of Corruption Act, 1988 which reads as under:-

17A. Enquiry or Inquiry or investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties.-- No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval--

(a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;

(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed:

Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:

Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month.



10. A perusal of the facts would reveal that the petitioner and his co-accused visited the School of the complainant on 02.05.2022 with a notice to the effect that his School was not running according to the norms and conditions of the Director, School Education, Panchkula and the action was to be taken. A reply was submitted to the notice. On 26.08.2022, the petitioner and his co-accused once again visited the School where a demand of Rs.5 lacs was made by both which the complainant refused to pay. Thereafter, the petitioner issued a notice dated 29.08.2022 directing the School to shut down its operations within 03 days of the receipt of the notice. The said notice was carried to the School premises by co-accused-Ghanshyam who once again demanded the illegal gratification of Rs.5 lacs. Rs. 2 lacs was to be paid in advance and Rs.3 lacs were to be paid later. The petitioner endorsed the demand made by his co-accused telephonically. Thereafter, Ghanshyam-Clerk was caught red-handed while accepting the amount of Rs.2 lacs as the first tranche of the bribe amount. Apparently, it is a case where the co-accused of the petitioner, namely, Ghanshyam Clerk has been apprehended with the bribe of Rs.2 lacs paid on the demand raised by the petitioner and the co-accused. Therefore, *prima facie* compliance with Section 17-A of the Prevention of Corruption Act, 1988 is not required. Be that as it may, it would be a matter of adjudication during the course of the Trial.

11. There is no material change in circumstances warranting the filing of the instant second petition. The Hon'ble Supreme Court is seized of various cases with respect to sanction under Section 17-A of the Prevention of Corruption Act, 1988 which matters are still pending adjudication.

12. The first petition filed by the petitioner was withdrawn vide



order dated 23.04.2024 (Annexure P-8) passed by this Court and the relevant extract of the said order reads as under:-

“The present petition has been filed under Section 482 CrPC for quashing of above captioned FIR along with all subsequent proceedings arising therefrom.

2. Counsel for the petitioner seeks adjournment on the ground that a similar question involved in this petition is pending before the Hon’ble Supreme Court and prayed for adjourned the matter till the pronouncement of judgment by the Hon’ble Supreme Court.

3. Instead of keeping the matter pending for the answer of the above said question by the Hon’ble Supreme Court, it would be better the present petition is closed with liberty to file fresh petition.

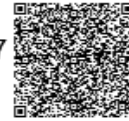
4. On the query of this Court, counsel for the petitioner agrees and wants to withdraw the present petition with liberty to file a fresh petition.

5. Given above, the present petition is disposed of having been withdrawn with liberty aforesaid. It is clarified that filing of the present petition and its withdrawal shall not come in the way of petitioner in any manner whatsoever, in case, the petitioner files a fresh petition, in addition to that, the petitioner is also at liberty to file a petition for quashing on grounds other than the post amendment sanction. All pending miscellaneous applications, if any, stand disposed of.”

13. Further, the Trial has proceeded significantly and 10 out of the 21 prosecution witnesses have already been examined. At this stage, the question of quashing of the FIR (Annexure P-1), does not arise.

14. In view of the aforementioned facts and circumstances, I find no merit in the present petition and the same stands dismissed.

15. Needless to say that the observations made in this order are only for the purposes of adjudicating this quashing petition and the Trial



Court is free to proceed with the matter in accordance with law uninfluenced by any observations made herein.

16. All the pending miscellaneous applications, if any, stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.09.2025
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No