

2025 LiveLaw (SC) 941

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

M.M. SUNDRESH; J., SATISH CHANDRA SHARMA; J.
SLP(CRL.) No. 11870, 16533/2023; 16 SEPTEMBER, 2025

THE KARNATAKA LOKAYUKTHA POLICE *versus* LAKSHMAN RAO PESHVE

Prevention of Corruption Act, 1988 (PC Act) - Section 19(3)(a) – Held, the alleged invalidity of sanction cannot be a ground to discharge an accused in a criminal case under PC Act - Approach of High Court was ‘contrary to law’ - A Trial Court’s order cannot be interfered with on the ground of invalidity of sanction unless it is shown that a failure of justice has resulted due to it - Validity of sanction cannot be questioned at the stage of discharge - Appeal allowed. [Relied on *State v. T. Venkatesh Murthy*, (2004) 7 SCC 763; *State of M.P. V. Virender Kumar Tripathi*, (2009) 15 SCC 533; *State of Bihar v. Rajmangal Ram*, (2014) 11 SCC 388; Paras 4-8]

[Arising out of impugned final judgment and order dated 08-02-2023 in WP No. 736/2018 passed by the High Court of Karnataka at Bengaluru]

For Petitioner(s) Mr. Suryaprakash V.raju, A.S.G. Mr. Annam Venkatesh, Adv. Mr. Zoheb Hussain, Adv. Mr. Arkaj Kumar, Adv. Mr. Sayooj Mohan Das, Adv. Mr. Arvind Kumar Sharma, AOR Ms. Aakriti Mishra, Adv. Ms. Anushka Gupta, Adv. Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. Rajiv Shakdhar, Sr. Adv. Mr. R Nedumaran, Sr. Adv. Mr. Rohit Sharma, Adv. Mr. Prithveesh M, Adv. Mr. Anand Kannan, Adv. Mr. Guntur Pramod Kumar, AOR Ms. Maneesha Kongovi, Adv. Ms. Ayshwarya Chandar, AOR Mr. Raunak Singh, Adv. Mr. K Surya Pratap, Adv. Mr. R. Nedumaran, Sr. Adv. Mr. Anandh Kannan N., AOR

ORDER

1. Leave granted.
2. We have heard the learned Additional Solicitor General, learned Senior counsel and learned counsel appearing for the parties.
3. Vide the impugned judgment dated 08.02.2023, the High Court has discharged the sole respondent in SLP (Crl.) No. 11870/2023, for the predicate offence punishable under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short, the ‘PC Act’). Consequently, the High Court has quashed the proceedings against the respondents in SLP (Crl.) No.16533/2023 initiated under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (for short, the ‘PMLA’). Aggrieved, the appellants are before us.
4. We have perused the impugned judgments. With respect to the predicate offence under the PC Act, the High Court discharged the respondent while going into the issue of validity of the sanction which is specifically prohibited under Section 19(3) (a) of the PC Act. The aforesaid decision of the High Court is obviously contrary to the law laid down by this Court in ‘*State Vs. T. Venkatesh Murthy*’, reported in (2004) 7 SCC 763, ‘*State of Madhya Pradesh Vs. Virender Kumar Tripathi*’ reported in (2009) 15 SCC 533 and in ‘*State of Bihar & Ors. Vs. Rajmangal Ram*’, reported in (2014) 11 SCC 388.
5. In such view of the matter, there is no need to pass any lengthy order, except to set aside the impugned judgment passed by the High Court qua the predicate offence.
6. In view of the aforesaid, quashment of the proceedings under the PMLA also stands set aside. While doing so, we leave all the issues, including the question of sanction left open to be decided at the time of trial.

7. Taking note of the fact that the respondents are senior citizens, their physical appearance is dispensed with, unless it is specifically required by the Trial Court.
8. The question as to whether the PMLA proceedings would be maintainable in the case where the predicate offence under the PC Act is quashed or set aside is left open.
9. The appeals are allowed, in the aforesaid terms.
10. Pending application(s), if any, shall stand disposed of.

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