

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (Cr.) No. 52 of 2026

1. Pratik, aged about 38 years, S/o Vinay Kumar Singh, posted as Assistant Director, Directorate of Enforcement, Ranchi Zonal Office, Plot No.1502/B, Airport Rd., Kunwar Singh Colony, P.O. Hinoo, P.S. Airport, Ranchi, Jharkhand-834002
2. Shubham Bharti, aged about 29 years, S/o Bhola Shankar Prasad, posted as Assistant Enforcement Officer, Directorate of Enforcement, Ranchi Zonal Office, Plot No.1502/B, Airport Rd., Kunwar Singh Colony, P.O. Hinoo, P.S. Airport, Ranchi, Jharkhand-834002 **... Petitioners**

-Versus-

1. The State of Jharkhand through Home Secretary, Government of Jharkhand, having office at Jharkhand Mantralaya, Project Bhawan, P.O. & P.S. Dhurwa, Ranchi, Jharkhand 834004
2. Union of India through Central Bureau of Investigation (CBI) having office at CBI Headquarters, CGO Complex, P.O. & P.S. Lodhi Road, New Delhi-110003
3. Officer In-Charge, Airport Police Station, having office at Airport Police Station, P.O. Airport and P.S. Doranda, Ranchi
4. Home Secretary, Government of India, Room No.113, North Block, New Delhi
5. Santosh Kumar, Gosai Tank Road, Jaggi Compound, Upper Chutia, Ranchi, Jharkhand, P.O. & P.S. Chutia, District- Ranchi, Jharkhand

... Respondents

PRESENT

HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

- | | |
|-------------------------|---|
| For the Petitioners | : Mr. S.V. Raju, A.S.G.I. (Through VC)
Mr. Zoheb Hossain, Advocate
Mr. Amit Kumar Das, Advocate
Mr. Saurav Kumar, Advocate
Mr. Varun Girdhar, Advocate
Mr. Manmohit Bhalla, Advocate |
| For the State | : Mr. Nnagamnthu S., Sr. Advocate (Through VC)
Mr. Achyut Keshav, A.A.G.-V
Mr. Shubham Gautam, A.C. to A.A.G.-V |
| For Respondent No.2-CBI | : Mr. Deepak Kumar Bharati, Advocate |
| For Respondent No.4-UOI | : Mr. Prashant Pallav, A.S.G.I.
Mr. Parth Jalan, A.C. to A.S.G.I.
Mr. Ayush. A.C. to A.S.G.I. |
| For Respondent No.5 | : Mr. Sumeet Gadodia, Advocate
Mr. Ritesh Kumar Gupta, Advocate
Ms. Nidhi Lall, Advocate |

C.A.V. on 24/02/2026

Pronounced on 11/03/2026

This matter was mentioned on 15.01.2026 and seeing the urgency in the matter, this matter was allowed to be listed on 16.01.2026 and on that day, following order was passed:

"02/16.01.2026 Heard Mr. Amit Kumar Das, learned counsel appearing for the petitioners and Mr. Kapil Sibal, learned senior counsel for the State appearing through Video Conferencing.

2. This criminal writ petition was mentioned yesterday by the learned counsel appearing for the petitioners and seeing the urgency in the matter, the matter was allowed to be listed and that is how, this matter has been listed today.

3. In this criminal writ petition, following prayers have been made:

(i) For issuance of appropriate writ(s)/ order(s)/, direction(s) for quashing the entire criminal proceedings including the FIR being Airport PS Case No. 5 of 2026 dated 13.01.2026, instituted for the alleged offences under Sections 109(2), 117(2), 115(2), 127(2), 351(2), 352, 238 and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, which is now pending in the Court of the learned Chief Judicial Magistrate, Ranchi.

(ii) Or in alternate for issuance of appropriate writ(s)/ order(s)/ direction(s) for transferring the investigation of the allegations made in FIR being Airport P.S. Case No. 5 of 2026 to an independent agency such as Central Bureau of Investigation to conduct free and impartial investigation.

(iii) And be pleased to issue an appropriate writ, order or direction commanding the Respondent Authorities, specifically the Station House Officer, Airport Police Station, to register a First Information Report (F.I.R.) and take appropriate legal action against the informant Santosh Kumar on the basis of the Written Information/Report dated 13.01.2026 submitted by the Petitioner No. 1, which discloses cognizable offences including obstruction of public servant and fabrication of evidence, but has arbitrarily remained unattended by the Police Authorities till date.

(iv) During the pendency of this Writ Application be pleased to stay proceedings arising out of Airport P.S. Case No. 05 of 2026 against the Petitioners.

(v) Any other relief or reliefs as Your Lordships may deem fit and proper for which the petitioner is very much entitled under the facts and circumstances of the case and in the interest of justice.

4. Mr. Amit Kumar Das, learned counsel appearing for the petitioners submits that Ranchi Zonal Office of Directorate of Enforcement is presently handling several high-profile and sensitive investigations involving influential political figures and senior bureaucrats, including matters relating to Chief

Minister, former Minister and senior I.A.S. officers. These investigations have wide public ramifications and are being conducted under close judicial and public scrutiny. He further submits that in this sensitive and high-stakes environment, the petitioners are discharging their statutory duties strictly in accordance with law. He then submits that petitioner no.1 is Assistant Director and petitioner no.2 is Assistant Enforcement Officer in the office of Directorate of Enforcement, Ranchi Zonal Office posted at Ranchi. He next submits that the informant, namely, Santosh Kumar is the principal accused in a large-scale misappropriation of Government funds amounting to approximately Rs.23 Crores from the Drinking Water and Sanitation Department, Government of Jharkhand. He also submits that the ECIR case has been registered against the said Santosh Kumar and he was taken into custody by the police authorities and, thereafter, he has been allowed bail. He further submits that in absence of any summon by the Directorate of Enforcement to the said Santosh Kumar, he suo motu appeared before the office of Directorate of Enforcement on 12.01.2026 at about 01:20 P.M. He submits that when Santosh Kumar was talking regarding his involvement in the siphoning of Government funds in the Peyjal Scam, he became evasive and agitated and in a sudden and unprovoked attempt to disrupt the official proceedings, he picked up a glass water jug placed on the table and voluntarily struck it against his own head, causing a minor scalp injury before the staff present could restrain him and, thereafter, the officers of the Directorate of Enforcement have taken him to Sadar Hospital for treatment and he was advised to go home. He then submits that second medical opinion was also taken and, in this background, Santosh Kumar has lodged the case with Airport Police Station, which has been registered as Airport P.S. Case No.05 of 2026 falsely alleging the case under Sections 109(2), 117(2) and other Sections of the Bharatiya Nyaya Sanhita, 2023. He next submits that on 15.01.2026 at around 06:00 A.M., pursuant to the late-night communication, a substantial police presence arrived at the office premises and sought to treat the office as a crime scene, thereby disrupting the normal functioning of a Central Government agency. He submits that other averments are also made in this petition, which requires to be looked into by this Court. He submits that prima facie it is a pre-planned tactic to disrupt the investigation being made by the Directorate of Enforcement wherein high-profile persons of the State are involved and, as such, protection is needed by this Court.

5. The High Courts are very slow in passing interim protection at the initial stage of the FIR, however, in the facts like present one brought before the High Court, the High Court cannot be a mute spectator, however, all these findings can be only given once the other sides are responded in the petition.

6. Section 67 of the Prevention of Money-Laundering Act protects the Government officials if in good faith, they are

acting under the said Act.

7. Learned counsel appearing for the petitioners will array the Home Secretary, Government of India as respondent no.4 in this petition, in course of the day.

8. Mr. Prashant Pallav, learned A.S.G.I. appearing for the Union of India waives notice on behalf of the Home Secretary, Government of India.

9. In the aforesaid background, the Home Secretary, Government of India is directed to depute either CISF or BSF or any other para military force, whichever is suitable at the office of the Directorate of Enforcement, Ranchi.

10. Mr. Prashant Pallav, learned A.S.G.I. appearing for the Union of India will communicate this order to the Home Secretary, Government of India.

11. The S.S.P., Ranchi is also directed to look into the security of the office of the Directorate of Enforcement, Ranchi. It is made clear that if any untoward incident occurred in the said office, the S.S.P., Ranchi will be held liable for that.

12. The CCTV footage installed at the premises of the Directorate of Enforcement shall be preserved.

13. Learned counsel for the petitioners will array the informant, namely, Santosh Kumar as respondent no.5 in this petition, in course of the day.

14. Mr. Sumeet Gadodia, learned counsel has appeared suo motu on behalf of the informant and he waives notice on behalf of the informant, namely, Santosh Kumar. He submits that on telephone call by one of the petitioners, the informant has gone to the office of the Directorate of Enforcement and his name was also registered at the time of entry and, thereafter, he was allowed to enter into the office of the Directorate of Enforcement. He seeks 10 days' time to file counter-affidavit.

15. Mr. Amit Kumar Das, learned counsel for the petitioners will serve two copies of the petition upon Mr. Sumeet Gadodia, in course of the day.

16. Mr. Manoj Kumar, learned G.A.-III assisting Mr. Kapil Sibal, learned senior counsel appearing through Video Conferencing, will take instruction and file counter-affidavit within one week.

17. Let this matter appear on 09.02.2026.

18. Till the next date, there shall be stay of further proceeding and investigation by the police in connection with Airport P.S. Case No.05 of 2026, pending in the Court of the learned Chief Judicial Magistrate, Ranchi.

19. In the meantime, learned counsel for the petitioners will remove the surviving defects.

20. Office will proceed further as per the procedure. ”

2. On 16.01.2026, Mr. Kapil Sibal, learned senior counsel had appeared on behalf of the State through Video Conferencing and he submitted that

time may kindly be provided to him so that he may file counter affidavit and, thereafter, the matter may kindly be heard.

3. On 09.02.2026, Mr. Nnagamnthu S., learned senior counsel had appeared on behalf of the State through Video Conferencing along with Mr. Rajiv Ranjan, learned Advocate General of the State of Jharkhand and on that day, they pointed out that this Bench is having no roster of this matter and in view of that, this case may go out of the list of this Bench. On that day, Mr. Rajiv Ranjan, learned Advocate General was intended to file an affidavit to that effect, however, the Court orally observed looking into the roster that the objection as well merit of the case will be decided simultaneously.

4. In course of argument on 24.02.2026, Mr. Prashant Pallav, learned counsel appearing for respondent no.4-Union of India and Mr. Amit Kumar Das, learned counsel appearing for the petitioners pointed out that an I.A. filed on behalf of the State was served upon them, however, they have taken the said I.A. from them saying that now they are not going to file the said I.A. and in view of that, they have handed over the said I.A. to the office of the learned Advocate General.

5. On 17.02.2026, Mr. Nnagamnthu S., learned senior counsel appearing for the State of Jharkhand through Video Conferencing took time to examine the rejoinder filed by the petitioners and on that day, the matter was further adjourned for 24.02.2026 observing that the objection as well as merit of the case will be decided simultaneously.

6. On 24.02.2026 when the matter was taken up, Mr. Nnagamnthu S., learned senior counsel appearing for the State of Jharkhand through Video Conferencing pointed out that I.A. No.2655 of 2026 has been filed on behalf

of the State for modification of the order dated 09.02.2026. He submitted that the said objection about roster was not noted in the order dated 09.02.2026 and in view of that, the said order may be modified/clarified by inclusion of the said submission and, thereafter, he again pressed that the roster is not of this Bench.

7. By way of referring his written submission, Mr. Nnagamnthu S., learned senior counsel submitted that since objection with regard to roster of this Bench is made, it may kindly be decided. He next submitted that there are several cases with prayer to transfer the investigation from State police to CBI where CBI has been added as proforma party and those cases have been listed before another Bench and he has given instances of four criminal writ petitions listed before another Bench and in view of that, he submitted that this case has been erroneously listed before this Bench and, as such, this case may go out of the list of the present Bench. He also argued to the extent that if roster is not there of the particular Bench and it is decided by that particular Bench, then in light of the judgment of the Hon'ble Supreme Court, the said judgment will be said to be nullity.

8. On the other hand, Mr. S.V. Raju, learned A.S.G.I. appearing for the petitioners through Video Conferencing submitted that the said objection was not raised on the first date of listing of the present case i.e. on 16.01.2026 by Mr. Kapil Sibal, learned senior counsel who had appeared on that day on behalf of the State. He next pointed out that on 09.02.2026, when this matter was listed before this Bench, learned counsel for the State had mentioned this matter before the Hon'ble Chief Justice of this Court saying that this matter was wrongly listed before this Bench and in view of that, proper order

may kindly be passed, however, the Hon'ble Chief Justice has simply asked to go before that Bench where the matter was listed and request before the Bench. He submitted that thereafter the said objection was taken on 09.02.2026, however, the Court orally observed on that day that seeing the roster, the objection and merit of the case will be decided simultaneously. He further submitted that the prayer made in I.A. No.2655 of 2026 appears to be misconceived one as in the order dated 17.02.2026, it has already been observed that the objection as well as merits of the case will be decided simultaneously. By way of referring roster of this Bench, he emphatically submitted that this Bench is having the roster and in view of that, it is rightly listed before this Bench and this Court is only required to decide the matter.

9. The submissions made by Mr. S.V. Raju, learned A.S.G.I. appearing for the petitioners have been supported by Mr. Prashant Pallav, learned A.S.G.I. appearing for the respondent no.4-Union of India and Mr. Deepak Kumar Bharati, learned counsel appearing for the respondent no.2-Central Bureau of Investigation. Mr. Prashant Pallav, learned A.S.G.I. has further pointed out by way of producing roster that this Court is having roster of Criminal Writ relating to Delhi Police Establishment Act (CBI) and P.C. Act. He submitted that one matter relating to CBI investigation filed by the Canara Bank being W.P.(Cr.) No.443 of 2025 was listed before this Bench and counter affidavit was also called in that case vide order dated 26.08.2025 and that case is being listed before this Court and nobody has raised objection in that matter. He submitted that in identical situation, another criminal writ petition being W.P.(Cr.) Filing No.4238 of 2026 which is also relating to CBI investigation and that case was listed before this Bench and certain order has been passed and,

in that case, also, nobody has raised any objection. On these grounds, he submitted that this Court is having roster of such matters.

10. Mr. Deepak Kumar Bharati, learned counsel appearing for respondent no.2-CBI further submitted that administrative powers of constitution of Benches is there to the Chief Justices of the High Courts providing roster, transfer of cases including part-heard cases from the board of Single Judge to a Division Bench for disposal on being satisfied that the case involved constitutional issues and that has been considered by the Hon'ble Supreme Court in the case of ***State of Rajasthan v. Prakash Chand***, reported in ***(1998) 1 SCC 1***. He also submitted that there is clear cut roster of this case before this Bench and in view of that, this Court has rightly heard this matter on merit.

11. Mr. Sumeet Gadodia, learned counsel appearing for respondent no.5-informant has not raised this objection.

12. Roster notified w.e.f. 09.01.2026 and 16.02.2026, so far as this Court is concerned, is stipulated as under:

9	Hon'ble Mr. Justice Sanjay Kumar Dwivedi	(Monday to Friday) (Whole day)	• A.B.A.- Fresh filing, Orders & Admission • Criminal Revision :- Fresh Filing, Orders, Admission & Hearing • A.B.A.; B.A.; Cr.M.P.; Cr.Rev. & <u>Criminal Writ relating to Delhi Police Establishment Act (CBI) and P.C. Act</u> :- Fresh Filing, Orders, Admission & Hearing • All matters related to Fodder Scam:- Orders, Admission & Hearing • Tied-up & Assigned matters
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13. From reading of the above roster, it is crystal clear that this Bench has been assigned to hear the matters like A.B.A., Criminal Revision, B.A., Cr.M.P., Criminal Review and Criminal Writ relating to Delhi Police Establishment Act (CBI) and P.C. Act- fresh filing, orders, admission and hearing matters and the matters related to fodder scam. In the present criminal writ petition, the

prayer (ii) is made for transferring the investigation of the allegations made in FIR being Airport P.S. Case No.5 of 2026 to an independent agency such as Central Bureau of Investigation to conduct free and impartial investigation. The roster said the criminal writ relating to Delhi Police Establishment Act (CBI) and P.C. Act, which clearly suggests that this is the roster of this Bench. On the first date, when this matter was taken up on 16.01.2026, Mr. Kapil Sibal, learned senior counsel had appeared on behalf of the State of Jharkhand through Video Conferencing and he had simply requested the Court to allow him time to file counter affidavit and, thereafter, the matter may kindly be heard. On that day, he had not taken such objection. This Court has not made the present petition as part-heard. The Registry of this Court has *suo motu* listed the matter on different dates, as noted herein above.

14. This Court is not in habit of keeping any matter part-heard as well as having no fascination of deciding a particular case. In this background, the facts remain only because a senior counsel has appeared through Video Conferencing and he has prayed that this Court should recuse to hear the matter, the answer is simply 'No' as the path of recusal is very often a convenient and a soft option when the roster is there. Furthermore, if a party or his counsel can at length argued on the question of recusal of a Judge before him, a new practice will start. A Judge really has no vested interest in doing a particular matter. However, the oath of office taken under Article 219 of the Constitution enjoins the Judge to duly and faithfully and to the best of his knowledge and judgment, perform the duties without fear or favour, affection or ill-will while upholding the Constitution and the laws. In a case, where unfounded and motivated allegations of bias are sought to be made

with a view of forum hunting/Bench preference or brow-beating the Court, then, succumbing to such a pressure would tantamount to not fulfilling the oath of office. The judgments of a Judge are being criticized and who are criticizing they are required to remember that from the nature of our office, we cannot reply to their criticism. The Judge is required to rely on his/her own conduct itself to be its own vindication.

15. In the case of ***Indore Development Authority (Recusal Matter-5J.) v. Manohar Lal and others***, reported in **(2020) 6 SCC 304**, the Hon'ble Supreme Court has held in paragraph 47 as under:

"47. Recusal is not to be forced by any litigant to choose a Bench. It is for the Judge to decide to recuse. The embarrassment of hearing the lengthy arguments for recusal should not be a compelling reason to recuse. The law laid down in various decisions has compelled me not to recuse from the case and to perform the duty irrespective of the consequences, as nothing should come in the way of dispensation of justice or discharge of duty as a Judge and judicial decision-making. There is no room for prejudice or bias. Justice has to be pure, untainted, uninfluenced by any factor, and even decision for recusal cannot be influenced by outside forces. However, if I recuse, it will be a dereliction of duty, injustice to the system, and to other Judges who are or to adorn the Bench(es) in the future. I have taken an informed decision after considering the nitty-gritty of the points at issue, and very importantly, my conscience. In my opinion, I would be committing a grave blunder by recusal in the circumstances, on the grounds prayed for, and posterity will not forgive me down the line for setting a bad precedent. It is only for the interest of the judiciary (which is supreme) and the system (which is nulli secundus) that has compelled me not to recuse."

16. In the case of ***Krishna Swami v. Union of India and others***, reported in **(1992) 4 SCC 605**, the Hon'ble Supreme Court has held in paragraph 67 as under:

"67. To keep the stream of justice clean and pure, the judge must be endowed with sterling character, impeccable integrity and upright behaviour. Erosion thereof would undermine the efficacy of the rule of law and the working of the Constitution

itself. The Judges of higher echelons, therefore, should not be mere men of clay with all the frailties and foibles, human failings and weak character which may be found in those in other walks of life. The Judges of higher judiciary should be men of fighting faith with tough fibre not susceptible to any pressure, economic, political or any sort. The actual as well as the apparent independence of judiciary would be transparent only when the office holders endow those qualities which would operate as impregnable fortress against surreptitious attempts to undermine the independence of the judiciary. In short the behaviour of the Judge is the bastion for the people to reap the fruits of the democracy, liberty and justice and the antithesis rocks the bottom of the rule of law."

17. Judicial restraint and discipline are as necessary to the orderly administration of justice as they are to the effectiveness of the army. The quality in decision making is as much necessary for a Judge to command respect as to protect the independence of the judiciary.

18. What has been discussed herein above and seeing the roster position as noted herein above, it is crystal clear that this Court is having roster relating to Delhi Police Establishment Act (CBI) and P.C. Act. Further, I.A. No.2655 of 2026 appears to be misconceived one in view of the fact this Court has already noted in the order dated 17.02.2026 that the objection as well as merit of the case will be decided simultaneously and, as such, the objection raised by Mr. Nnagamnthu S., learned senior counsel appearing for the State of Jharkhand is not being accepted by this Court.

19. Accordingly, I.A. No.2655 of 2026 is dismissed.

20. On merit of the case, Mr. S.V. Raju, learned A.S.G.I. appearing for the petitioners through Video Conferencing submitted that this criminal writ petition has been filed by the petitioners for the reliefs as prayed in the petition, such as:

- (i) For issuance of appropriate writ(s)/ order(s)/, direction(s) for

quashing the entire criminal proceedings including the FIR being Airport PS Case No. 5 of 2026 dated 13.01.2026, instituted for the alleged offences under Sections 109(2), 117(2), 115(2), 127(2), 351(2), 352, 238 and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, which is now pending in the Court of the learned Chief Judicial Magistrate, Ranchi.

- (ii) Or in alternate for issuance of appropriate writ(s)/ order(s)/ direction(s) for transferring the investigation of the allegations made in FIR being Airport P.S. Case No. 5 of 2026 to an independent agency such as Central Bureau of Investigation to conduct free and impartial investigation.
- (iii) And be pleased to issue an appropriate writ, order or direction commanding the Respondent Authorities, specifically the Station House Officer, Airport Police Station, to register a First Information Report (F.I.R.) and take appropriate legal action against the informant Santosh Kumar on the basis of the Written Information/Report dated 13.01.2026 submitted by the Petitioner No. 1, which discloses cognizable offences including obstruction of public servant and fabrication of evidence, but has arbitrarily remained unattended by the Police Authorities till date.
- (iv) During the pendency of this Writ Application be pleased to stay proceedings arising out of Airport P.S. Case No. 05 of 2026 against the Petitioners.
- (v) Any other relief or reliefs as Your Lordships may deem fit and proper for which the petitioner is very much entitled under the

facts and circumstances of the case and in the interest of justice.

21. Mr. S.V. Raju, learned A.S.G.I. appearing for the petitioners through Video Conferencing further submitted that Ranchi zonal office of Directorate of Enforcement is presently handling several high-profile and sensitive investigations involving influential political figures and senior bureaucrats, including matters relating to Chief Minister, former Minister Shri Alamgir Alam and senior IAS officers such as Ms. Pooja Singhal and Shri Chhavi Ranjan and these investigations have wide public ramifications and in that environment, the petitioner nos.1 and 2, who happened to be the Assistant Director and Assistant Enforcement Officer of Directorate of Enforcement respectively are discharging their duties. By way of referring paragraph 6 of the writ petition, Mr. S.V. Raju, learned A.S.G.I, submitted that the informant-Santosh Kumar is the principal accused in a large-scale misappropriation of Government funds amounting to approximately Rs.23 Crores from the Drinking Water and Sanitation Department, Government of Jharkhand. He then submitted that Sadar P.S. Case No.562/2023 was registered against him by the State authorities on 28.12.2023 under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code, relating to criminal breach of trust, cheating and forgery, in which, charge-sheet has been submitted, confirming involvement of Santosh Kumar in the systematic siphoning of public funds and pursuant to the said scheduled offences, the Directorate of Enforcement initiated investigations under the Prevention of Money Laundering Act by recording ECIR No. being ECIR/RNZO/04/2024 against him. He next submitted that in that investigation, it has been revealed that Santosh Kumar had laundered the proceeds of crime through shell entities, including M/s Rockdrill

Constructions, in order to conceal and project the illicit funds as untainted. He also submitted that the learned Adjudicating Authority under the PMLA, New Delhi by orders dated 10.09.2025 and 19.11.2025 confirmed the provisional attachment of the assets of informant-Santosh Kumar. In this background, he submitted that summons under Section 50 of the PMLA were issued to informant-Santosh Kumar, requiring his appearance on 10.11.2025, however, he failed to appear citing medical grounds and ongoing treatment at CMC, Vellore. He further submitted that petitioner no.1 was already engaged on 12.01.2026 in pre-scheduled official proceedings, including the recording of statements in other ongoing sensitive investigations and on that day, the informant-Santosh Kumar appeared at the zonal office without prior intimation, schedule or summons and on request, petitioner no.1 was agreed only to a limited preliminary interaction and at about 01:20 P.M., when the informant-Santosh Kumar was talking regarding his involvement in the siphoning of Government funds in the Peyjal scam, he became evasive and agitated and in a sudden and unprovoked attempt to disrupt the official proceedings, he picked up a glass water jug placed on the table and voluntarily struck it against his own head, causing a minor scalp injury before the staff present could restrain him. He then submitted that thereafter the informant-Santosh Kumar was immediately taken to Sadar Hospital, Ranchi by the petitioners and the OPD Card registration No.2719 was prepared in which the informant has himself stated that the said wound was self-inflicted by the informant. The informant was treated for a superficial scalp wound and discharged at about 03:30 P.M. and he was offered the option to return home, but he stated that he felt fit and accompanied the officers back to the

ED office voluntarily. On the same day, as abundant caution, another medical examination was done at about 08:10 P.M. on 12.01.2026 and the Government Medical Officer certified the informant as medically fit and physically fit with no injury other than the self-inflicted scalp wound, thereby negating any allegation of custodial violence. He referred Section 67 of the Prevention of Money-Laundering Act and submitted that the petitioners being the officials of Enforcement Directorate are protected under that Act. He next submitted that the informant has lodged the present FIR being Airport P.S. Case No.05 of 2026 on 13.01.2026 at about 12:30 P.M. under Sections 115(2), 117(2), 127(2), 109(2), 351(2), 352, 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023. He referred the above sections with their particulars and Indian Penal Code sections, which read as under:

Sl. No.	Particulars	BNS Sections	IPC Sections
1.	Voluntarily causing grievous hurt	115(2)	323
2.	Punishment for voluntarily causing grievous hurt	117(2)	325
3.	Wrongful Confinement	127(2)	342
4.	Attempt to murder	109(2)	307
5.	Criminal Intimidation	351(2)	503
6.	Intentional insult with intent to provoke breach of peace	352	504
7.	Causing disappearance of evidence of offence, or giving false information to screen offender	238	201
8.	Acts done by several persons in furtherance of common intention	3(5)	34

22. By way of referring above sections of the Bharatiya Nyaya Sanhita, 2023, Mr. S.V. Raju, learned A.S.G.I submitted that in this type of case, even

intentionally Section 109(2) of Bharatiya Nyaya Sanhita, 2023 has been added only to make out a case of cognizable in nature as if the matter is not cognizable, the police is not authorized to register the FIR and investigate the case unless authorized by the learned Magistrate and he referred to Section 174(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023. He next submitted that the petitioners have also lodged complaint before the same police station on 13.01.2026 indicating that false allegations have been made by the informant-Santosh Kumar against them, however, no FIR has been registered and the complaint of the petitioners is not being investigated. He relied in the case of ***State of West Bengal and others v. Swapan Kumar Guha and others***, reported in ***(1982) 1 SCC 561***. He referred paragraphs 20 and 38 of the said judgment, which read as under:

"20. The only other decision to which I need refer is that of the Privy Council in King-Emperor v. Khwaja Nazir Ahmad [AIR 1945 PC 18 : (1944) 71 IA 203 : 217 IC 1] which constitutes, as it were, the charter of the prosecution all over, for saying that no investigation can ever be quashed. In a passage oft-quoted but much misunderstood. Lord Porter, delivering the opinion of the Judicial Committee, observed: (IA pp. 212-13)

"In Their Lordships' opinion, however, the more serious aspect of the case is to be found in the resultant interference by the court with the duties of the police. Just as it is essential that every one accused of a crime should have free access to a court of justice so that he may be duly acquitted if found not guilty of the offence with which he is charged, so it is of the utmost importance that the judiciary should not interfere with the police in matters which are within their province and into which the law imposes on them the duty of inquiry. In India, as has been shown, there is a statutory right on the part of the police to investigate the circumstances of an alleged cognizable crime without requiring any authority from the judicial authorities, and it would, as Their Lordships think, be an unfortunate result if it should be held possible to interfere with those statutory rights by an exercise of the inherent jurisdiction of the court. The functions of the judiciary and the police are

complementary, not overlapping, and the combination of individual liberty with a due observance of law and order is only to be obtained by leaving each to exercise its own function, always, of course, subject to the right of the court to intervene in an appropriate case when moved under Section 491 of the Criminal Procedure Code to give directions in the nature of habeas corpus. In such a case as the present, however, the court's functions begin when a charge is preferred before it, and not until then."

I do not think that this decision supports the wide proposition canvassed before us by Shri Somnath Chatterjee. In the case before the Privy Council, similar charges which were levelled against the accused in an earlier prosecution were dismissed. The High Court quashed the investigation into fresh charges after examining the previous record, on the basis of which it came to the conclusion that the evidence against the accused was unacceptable. The question before the Privy Council was not whether the fresh FIR disclosed any offence at all. In fact, immediately after the passage which I have extracted above, the Privy Council qualified its statement by saying:

"No doubt, if no cognizable offence is disclosed, and still more, if no offence of any kind is disclosed, the police would have no authority to undertake an investigation."

If anything, therefore, the judgment shows that an investigation can be quashed if no cognizable offence is disclosed by the FIR. It shall also have been noticed, which is sometimes overlooked, that the Privy Council took care to qualify its statement of the law by saying that the judiciary should not interfere with the police in matters which are within their province. It is surely not within the province of the police to investigate into a report which does not disclose the commission of a cognizable offence and the Code does not impose upon them the duty of enquiry in such cases.

38. *In these circumstances, though I see no alternative save to stop all further investigation on the basis of the FIR as laid, no offence being disclosed by it under Section 4 of the Act, I am unable to accept the contention of Shri Ashok Sen that all documents, books, papers and cash seized so far during the investigation should be returned to the firm and its partners forthwith. The firm appears to be on the brink of an economic crisis, as any scheme of this nature is eventually bound to be. Considering the manner in which the firm has manipulated its accounts and its affairs, I have no doubt that it will secret the large funds and destroy the incriminating documents if they are returned to it. The State Government, the Central Government and the Reserve Bank of India must be given a reasonable*

opportunity to see if it is possible, under the law, to institute an enquiry into the affairs of the firm and, in the meanwhile, to regulate its affairs. I consider such a step essential in the interests of countless small depositors who, otherwise, will be ruined by being deprived of their life's savings. The big black money bosses will take any loss within their stride but the small man must receive the protection of the State, which must see to it that the small depositors are paid back their deposits with the agreed interest as quickly as possible. I therefore direct that the documents, books, papers, cash and other articles seized during the investigation shall be retained by the police in their custody for a period of two months from today and will be returned, on the expiry of that period, to persons from whom they were seized, subject to any lawful directions which may be given or obtained in the meanwhile regarding their custody and return."

23. Relying on the above judgment, Mr. S.V. Raju, learned A.S.G.I. submitted that once the ingredients of those sections are not there, the FIR is fit to be interfered with.

24. Mr. S.V. Raju, learned A.S.G.I. further relied in the case of ***Lalita Kumari v. Government of Uttar Pradesh and others***, reported in **(2014) 2 SCC 1**. He referred paragraph 120.1 of the said judgment, which reads as under:

"120.1. *The registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation."*

25. Relying on the above judgment, Mr. S.V. Raju, learned A.S.G.I. submitted that once the said allegation is made before the police and if the cognizable offence is made out, the police was required to register the FIR immediately and if any doubt was there, at least preliminary inquiry was required to be done, which was not done by the police. In this background, he submitted that if such allegations are there and the accused/informant,

who is having three criminal antecedents, is being protected by Jharkhand police against whom Jharkhand police itself has lodged two cases i.e., Kotwali P.S. Case No.22/2024, dated 12.01.2024, registered for the alleged offence under Sections 379 and 477 of the Indian Penal Code and Ranchi Sadar P.S. Case No.251/2024, dated 08.06.2024, registered for the alleged offence under Sections 409, 420, 467, 468 and 120-B of the Indian Penal Code and the aforesaid ECIR case has also been registered against the informant, in which, the informant has revealed that 10% of the total tender value is siphoned off and disbursed to the Departmental Minister to the tune of 5% share, commission share of 1.5% to 2% to the Secretary of the concerned Department and commission share of 3% to the Engineer-in-Chief and others. He also submitted that the informant has also made statements and confessed that out of siphoning amount of Rs.23 Crores, he withdrew approximately Rs.12 Crores in cash and distributed it to high-ranking officials of the State Government and distribution to the different officials has been disclosed at page 22 of the petition. He submitted that in this background, *prima facie* it appears that the informant is being utilized by certain officials of the State authorities to initiate registration of present case on exaggerated and unfounded allegations with the effect of harassing the officers of the Enforcement Directorate and adversely impacting the ongoing investigation. He next submitted that if such a situation is there, it is not expected that Jharkhand police will make a fair investigation that too of an FIR made by an accused, who is having three criminal antecedents and who is also an accused of siphoning off the money upon higher officials of the Department. In view of that, he submitted that this Court is required to find out as to whether any

exceptional circumstance is made out to handover the investigation of the case to an independent agency such as CBI or not. According to him, it is a fit case to transfer the investigation to the CBI. He also submitted that at this stage, this Court is not required to make any mini trial if such allegations are there and true facts will emerge once the investigation will be conducted by the independent agency like CBI. He next submitted that this matter may kindly be handed over to the CBI.

26. On the other hand, Mr. Nnagamnthu S., learned senior counsel appearing for the State of Jharkhand vehemently opposed the prayer and submitted that these two petitioners are two individuals, who are the Enforcement Directorate officials and Mr. Raju, has not appeared for the petitioners rather he has appeared for the Enforcement Directorate. He next objected that respondent no.2 is the Union of India through CBI and in view of that, in a case where the prayer is made to handover the matter to CBI, the Union of India cannot be represented through CBI. He then submitted that in the case of ***Republic of India (CBI) v. Shubra Kundu***, reported in ***Special Leave Petition (Criminal) Diary Nos.39440/2023***, the Hon'ble Supreme Court has observed that the CBI which is created under a statute cannot represent 'Republic of India' and in view of that, amendment was allowed to be made by the Hon'ble Supreme Court in that case to that effect. He also drawn attention of the Court to page 64 of the writ petition and referred to the prayers made therein and submitted that the law and order is the State subject and if such complaint is brought to the knowledge of the State police, the State police is rightly conducting the investigation. He then submitted that two rejoinders have been filed by the petitioners and those

rejoinders have been affidavited by Mr. Debidatta Sarangi, who is posted as Assistant Director of Directorate of Enforcement office of Joint Directorate of Ranchi zone. He next submitted that the said rejoinders are not filed by the petitioners, which is again not in accordance with law. He further drawn attention of the Court to Section 67 of the Prevention of Money-Laundering Act and submitted that if the action is done in good faith, then only in that case, protection will be provided and good faith has been defined under Section 2(11) of Bharatiya Nyaya Sanhita, 2023. He submitted that the said act cannot be said to be done in good faith and in view of that, Section 67 of the Prevention of Money-Laundering Act is not attracted. He also submitted that Section 218 of the BNSS, corresponding to Section 197 of Cr.P.C. is also not protecting the petitioners as the said act was not done in the official capacity. He also referred paragraphs 2 to 10 of the writ petition as well as paragraphs 11, 12 and 13 of the writ petition and submitted that the facts are disclosed therein, which are mis taught. He referred to page 136 of the writ petition, which is the complaint made by petitioner no.1 to the police station and submitted that it was simply a letter informing the police therein no prayer is made for registration of the FIR and in view of that, the police has not registered the FIR. He referred to the judgment passed by the Hon'ble Supreme Court in the case of ***Lalita Kumari v. Govt. of U.P.***, reported in ***(2014) 2 SCC 1*** and submitted that the said judgment is in two parts, which also suggests that if cognizable offence is made out forthwith, the FIR is required to be registered and if there is any doubt, preliminary inquiry should be done within stipulated time. In this background, he submitted that it was only request on behalf of the petitioners and in view of that, if the FIR is not

registered and, as such, there is no illegality. He also submitted if only allegation is made out and no case is made out, the case is not required to be registered. He relied upon the judgment passed in the case of ***T.T. Antony v. State of Kerala***, reported in ***(2001) 6 SCC 181***. He referred to paragraphs 18 and 19 of the said judgment, which reads as under:

"18. An information given under sub-section (1) of Section 154 CrPC is commonly known as first information report (FIR) though this term is not used in the Code. It is a very important document. And as its nickname suggests it is the earliest and the first information of a cognizable offence recorded by an officer in charge of a police station. It sets the criminal law in motion and marks the commencement of the investigation which ends up with the formation of opinion under Section 169 or 170 CrPC, as the case may be, and forwarding of a police report under Section 173 CrPC. It is quite possible and it happens not infrequently that more informations than one are given to a police officer in charge of a police station in respect of the same incident involving one or more than one cognizable offences. In such a case he need not enter every one of them in the station house diary and this is implied in Section 154 CrPC. Apart from a vague information by a phone call or a cryptic telegram, the information first entered in the station house diary, kept for this purpose, by a police officer in charge of a police station is the first information report — FIR postulated by Section 154 CrPC. All other informations made orally or in writing after the commencement of the investigation into the cognizable offence disclosed from the facts mentioned in the first information report and entered in the station house diary by the police officer or such other cognizable offences as may come to his notice during the investigation, will be statements falling under Section 162 CrPC. No such information/statement can properly be treated as an FIR and entered in the station house diary again, as it would in effect be a second FIR and the same cannot be in conformity with the scheme of CrPC. Take a case where an FIR mentions cognizable offence under Section 307 or 326 IPC and the investigating agency learns during the investigation or receives fresh information that the victim died, no fresh FIR under Section 302 IPC need be registered which will be irregular; in such a case alteration of the provision of law in the first FIR is the proper course to adopt. Let us consider a different situation in which H having killed W, his wife,

informs the police that she is killed by an unknown person or knowing that W is killed by his mother or sister, H owns up the responsibility and during investigation the truth is detected; it does not require filing of fresh FIR against H — the real offender — who can be arraigned in the report under Section 173(2) or 173(8) CrPC, as the case may be. It is of course permissible for the investigating officer to send up a report to the Magistrate concerned even earlier that investigation is being directed against the person suspected to be the accused.

19. *The scheme of CrPC is that an officer in charge of a police station has to commence investigation as provided in Section 156 or 157 CrPC on the basis of entry of the first information report, on coming to know of the commission of a cognizable offence. On completion of investigation and on the basis of the evidence collected, he has to form an opinion under Section 169 or 170 CrPC, as the case may be, and forward his report to the Magistrate concerned under Section 173(2) CrPC. However, even after filing such a report, if he comes into possession of further information or material, he need not register a fresh FIR; he is empowered to make further investigation, normally with the leave of the court, and where during further investigation he collects further evidence, oral or documentary, he is obliged to forward the same with one or more further reports; this is the import of sub-section (8) of Section 173 CrP.C."*

27. Mr. Nnagamnthu S., learned senior counsel appearing for the State of Jharkhand through Video Conferencing further submitted that if such allegations are made by the informant, the police has rightly registered the FIR in light of Section 173(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023. By way of referring the judgment passed in the case of ***State of Karnataka v. T.N. Sudhakar Reddy***, reported in ***2025 SCC OnLine SC 382***, he submitted that holding a preliminary inquiry before registering a case is not mandatory in every case, even in cases which do not fall within the category of cases referred to in Section 173(3)(i) of the Bharatiya Nagrik Suraksha Sanhita, 2023. He also submitted that the police is not biased in conducting the investigation fairly and in view of that, there is no illegality. He next

submitted that if the prayer (ii) is made with regard to handing over the matter to the CBI and if that will come once, this Court may not incline to interfere with the prayer (i), which is made for quashing of the FIR. He then submitted that there are lines of judgments of quashing of the FIR, the Court is not required to make any roaming inquiry. To buttress this argument, he referred to the judgment passed by the Hon'ble Bombay High Court in the case of ***King Emperor v. Khwaja Nazir Ahmed***, reported in ***AIR 1945 PC 18*** and submitted that there is a statutory right on the part of the police to investigate the circumstances of an alleged cognizable crime without requiring any authority from the judicial authorities. He further submitted that the said power cannot be utilized by the Court according to whim and caprice. To buttress this argument, he relied upon the judgment passed in the case of ***Kurukshetra University v. State of Haryana***, reported in ***(1977) 4 SCC 451*** and submitted that statutory power has to be exercised sparingly, with circumspection and in the rarest of rare cases. In the same line, he further relied upon the judgment passed in the case of ***Union of India v. Prakash P. Hinduja***, reported in ***(2003) 6 SCC 195*** and submitted that during the course of investigation which would meant from the time of lodging the First Information Report till the submission of the report by the Officer-in-Charge, the Court is not required to interfere with the investigation. He also submitted that it is well-settled that if an offence is disclosed, the Court's interference is not permitted in light of the judgment passed in the case of ***Satvinder Kaur v. State (NCT of Delhi)***, reported in ***(1999) 8 SCC 728***. He then submitted that the legal position has been recently reiterated by the Hon'ble Supreme Court in the case of ***Neeharika Infrastructure Pvt. Ltd. v. State of***

Maharashtra, reported in **(2021) 19 SCC 401**. He referred paragraph 33 of the said judgment, which reads as under:

"33. *In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India, our final conclusions are as under:*

33.1. *Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence.*

33.2. *Courts would not thwart any investigation into the cognizable offences.*

33.3. *It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.*

33.4. *The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the "rarest of rare cases" (not to be confused with the formation in the context of death penalty).*

33.5. *While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.*

33.6. *Criminal proceedings ought not to be scuttled at the initial stage.*

33.7. *Quashing of a complaint/FIR should be an exception rather than an ordinary rule.*

33.8. *Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere.*

33.9. *The functions of the judiciary and the police are complementary, not overlapping.*

33.10. *Save in exceptional cases where non-interference*

would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.

33.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

33.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13. The power under Section 482CrPC is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court.

33.14. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in *R.P. Kapur [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866]* and *Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426]*, has the jurisdiction to quash the FIR/complaint.

33.15. When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

33.16. The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India.

However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to apply for anticipatory bail under Section 438CrPC before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India.

33.17. *Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482CrPC and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.*

33.18. *Whenever an interim order is passed by the High Court of "no coercive steps to be adopted" within the aforesaid parameters, the High Court must clarify what does it mean by "no coercive steps to be adopted" as the term "no coercive steps to be adopted" can be said to be too vague and/or broad which can be misunderstood and/or misapplied."*

28. Mr. Nnagamnthu S., learned senior counsel appearing for the State through Video Conferencing further relied upon the judgment passed in the case of **ED v. Niraj Tyagi**, reported in **(2024) 5 SCC 419** and submitted that in that case, it has been held by the Hon'ble Supreme Court that when the investigation by the police is in progress, the Court should not go into the merits of the allegations in the FIR. He also referred paragraphs 15 and 20 of

the writ petition and submitted that this Court is not required to make a mini trial at this stage. He next submitted that vide order dated 16.01.2026, this Court has directed to preserve the CCTV footage, however, the same has not been preserved and even the CCTV camera is not installed in light of the several judgments of the Hon'ble Supreme Court, which is in violation. He also submitted that in those judgments, it has been held that interrogation must be held in the background of CCTV footage. On these grounds, he submitted that no materials are there either to quash the FIR or to handover the matter to the CBI at this stage and, as such, this writ petition may kindly be dismissed.

29. Mr. Sumeet Gadodia, learned counsel appearing for the respondent no.5-informant vehemently argued that the petitioners are accused of custodial torture case and the actions of the petitioners as well as Enforcement Directorate officials are outrageous. He further submitted that even the petitioners have not approached this Court with clean hand and vital information of CCTV footage has been suppressed. He relied in the case of ***Paramvir Singh Saini v. Baljit Singh***, reported in **(2021) 1 SCC 184** and referred paragraphs 19 and 21 of the said judgment, which read as under:

"19. *The Union of India is also to file an affidavit in which it will update this Court on the constitution and workings of the Central Oversight Body, giving full particulars thereof. In addition, the Union of India is also directed to install CCTV cameras and recording equipment in the offices of:*

- (i) Central Bureau of Investigation (CBI)*
- (ii) National Investigation Agency (NIA)*
- (iii) Enforcement Directorate (ED)*
- (iv) Narcotics Control Bureau (NCB)*
- (v) Department of Revenue Intelligence (DRI)*
- (vi) Serious Fraud Investigation Office (SFIO)*
- (vii) Any other agency which carries out interrogations*

and has the power of arrest.

As most of these agencies carry out interrogation in their office(s), CCTVs shall be compulsorily installed in all offices where such interrogation and holding of accused takes place in the same manner as it would in a police station.

21. *The SLOC and the COB (where applicable) shall give directions to all police stations, investigative/enforcement agencies to prominently display at the entrance and inside the police stations/offices of investigative/enforcement agencies about the coverage of the premises concerned by CCTV. This shall be done by large posters in English, Hindi and vernacular language. In addition to the above, it shall be clearly mentioned therein that a person has a right to complain about human rights violations to the National/State Human Rights Commission, Human Rights Court or the Superintendent of Police or any other authority empowered to take cognizance of an offence. It shall further mention that CCTV footage is preserved for a certain minimum time period, which shall not be less than six months, and the victim has a right to have the same secured in the event of violation of his human rights."*

30. Relying on the above judgment, Mr. Sumeet Gadodia, learned counsel for the informant submitted that the Hon'ble Supreme Court has directed the Union of India to install CCTV cameras and recording equipment in the offices of the Central Bureau of Investigation (CBI), National Investigation Agency (NIA), Enforcement Directorate (ED), Narcotics Control Bureau (NCB), Department of Revenue Intelligence (DRI) and Serious Fraud Investigation Office (SFIO) and it has also been observed that the CCTV footage is required to be preserved at least for six months and the victim has a right to have the same secured in the event of violation of his human rights. He then submitted that the conduct of the petitioners are further doubtful in view of the fact that the petitioners have not earlier made the informant as respondent in the present case and he on instruction has appeared *suo motu* before this Court and pursuant to that, the informant has been made party and he was given

time to file counter affidavit, which has been recorded in the order dated 16.01.2026. He submitted that on the said date, on his submission the Court has directed to preserve CCTV footage installed at the premises of the Directorate of Enforcement. He referred to paragraphs 13, 14 and 16 of the counter affidavit filed on behalf of the respondent-State of Jharkhand and submitted that it has been stated therein how the CCTV footage has been managed and that has been replied in paragraphs 98 and 99 of the rejoinder of the petitioners speaking otherwise. With regard to CCTV footage, he also referred to pages 852, 857 and 860 of the rejoinder of the petitioners and submitted that these documents have been manufactured later on with regard to installation of CCTV camera in the premises of Enforcement Directorate and, as such, the conduct of the petitioners is very doubtful and his client, who is the informant, is the victim. He further relied upon the judgment passed in the case of ***Tomaso Bruno and another v. State of Uttar Pradesh***, reported in ***(2015) 7 SCC 178*** and referred paragraphs 24, 27 and 28 of the said judgment, which read as under:

"24. With the advancement of information technology, scientific temper in the individual and at the institutional level is to pervade the methods of investigation. With the increasing impact of technology in everyday life and as a result, the production of electronic evidence in cases has become relevant to establish the guilt of the accused or the liability of the defendant. Electronic documents stricto sensu are admitted as material evidence. With the amendment to the Evidence Act in 2000, Sections 65-A and 65-B were introduced into Chapter V relating to documentary evidence. Section 65-A provides that contents of electronic records may be admitted as evidence if the criteria provided in Section 65-B is complied with. The computer generated electronic records in evidence are admissible at a trial if proved in the manner specified by Section 65-B of the Evidence Act. Sub-section (1) of Section 65-B makes admissible as a document, paper printout of electronic records stored in optical or magnetic media produced by a computer,

subject to the fulfilment of the conditions specified in sub-section (2) of Section 65-B. Secondary evidence of contents of document can also be led under Section 65 of the Evidence Act. PW 13 stated that he saw the full video recording of the fateful night in the CCTV camera, but he has not recorded the same in the case diary as nothing substantial to be adduced as evidence was present in it.

27. [Ed. : Para 27 corrected vide Official Corrigendum No. F.3/Ed.B.J./12/2015 dated 19-3-2015.] . *As per Section 114 Illustration (g) of the Evidence Act, if a party in possession of best evidence which will throw light in controversy withholds it, the court can draw an adverse inference against him notwithstanding that the onus of proving does not lie on him. The presumption under Section 114 Illustration (g) of the Evidence Act is only a permissible inference and not a necessary inference. Unlike presumption under Section 139 of the Negotiable Instruments Act, where the court has no option but to draw a statutory presumption, under Section 114 of the Evidence Act, the court has the option; the court may or may not raise presumption on the proof of certain facts. Drawing of presumption under Section 114 Illustration (g) of the Evidence Act depends upon the nature of fact required to be proved and its importance in the controversy, the usual mode of proving it; the nature, quality and cogency of the evidence which has not been produced and its accessibility to the party concerned, all of which have to be taken into account. It is only when all these matters are duly considered that an adverse inference can be drawn against the party.*

28. *The High Court held that even though the appellants alleged that the footage of CCTV is being concealed by the prosecution for the reasons best known to the prosecution, the accused did not invoke Section 233 CrPC and they did not make any application for production of CCTV camera footage. The High Court further observed that the accused were not able to discredit the testimony of PW 1, PW 12 and PW 13 qua there being no relevant material in the CCTV camera footage. Notwithstanding the fact that the burden lies upon the accused to establish the defence plea of alibi in the facts and circumstances of the case, in our view, the prosecution in possession of the best evidence, CCTV footage ought to have produced the same. In our considered view, it is a fit case to draw an adverse inference against the prosecution under Section 114 Illustration (g) of the Evidence Act that the prosecution withheld the same as it would be unfavourable to them had it been produced."*

31. Relying on the above judgment, Mr. Sumeet Gadodia, learned counsel

for the informant submitted that the footage of CCTV was concealed and that was the subject-matter in that case and in light of the said judgment also, the petitioners' conduct is deprecable and in view of that, this matter is not required to be handed over to the CBI.

32. Mr. Sumeet Gadodia, learned counsel appearing for the informant further referred to relevant sections mentioned in the FIR and submitted that in terms of the allegations, cognizable offence is made out and, as such, the FIR has been rightly registered because the injury has been caused to the informant due to assault made by the petitioners. He then submitted that the wrong statement has been made that the informant has voluntarily went back to the office of Enforcement Directorate at 04:00 P.M. when such injury was there upon the body of the informant. He next submitted that prior to visit to the office of Enforcement Directorate, petitioner no.1 had called on the mobile phone of the informant and his wife asking the informant to appear and it is not correct to say that the informant has appeared *suo motu* on 13.01.2026 in the office of Enforcement Directorate. He also relied upon the judgment passed in the case of ***D.K. Basu v. State of West Bengal and others***, reported in ***(2015) 8 SCC 744***. He referred paragraphs 36 and 38.8 of the said judgment, which reads as under:

"36. *That leaves us with the question of initiation of criminal proceedings in cases where enquiry establishes culpability in custodial deaths and for deployment of at least two women constables in each district. We see no reason why appropriate proceedings cannot be initiated in cases where enquiry establishes culpability of those in whose custody a victim dies or suffers any injuries or torture. The law should take its course and those responsible duly and appropriately proceeded against.*

38.8. *The State Governments shall launch in all cases where an enquiry establishes culpability of the persons in whose custody the victim has suffered death or injury, an appropriate*

prosecution for the commission of offences disclosed by such enquiry report and/or investigation in accordance with law."

33. Relying on the above judgment, Mr. Sumeet Gadodia submitted that in a routine way, the matter cannot be transferred to the CBI for investigation. He also submitted that once such allegation of assault is there, as per paragraph 38.8 of the said judgment, the inquiry and investigation is required to be done against the said officers.

34. Mr. Sumeet Gadodia, learned counsel further relied upon the judgment passed in the case of ***Munshi Singh Gautam v. State of M.P.***, reported in ***(2005) 9 SCC 631***, particularly paragraph 8 thereof and submitted that guidelines have been issued that the Courts are also required to have a change in their outlook, approach, appreciation and attitude, particularly in cases involving custodial crimes and they should exhibit more sensitivity and adopt a realistic rather than a narrow technical approach, while dealing with the cases of custodial crime so that as far as possible within their powers, the truth is found and the guilty should not escape so that the victim of the crime has the satisfaction, and that ultimately the majesty of law has prevailed. Relying on the above judgment, he submitted that the Court is also required to consider the nature of allegation which was made in the custody.

35. Mr. Sumeet Gadodia, learned counsel appearing for the informant also relied upon the judgment passed in the case of ***Romila Thapar and others v. Union of India and others***, reported in ***(2018) 10 SCC 753*** and in the case of ***Vinay Aggarwal v. State of Haryana and others***, reported in ***(2025) 5 SCC 149*** and submitted that at the initial stage, the investigation is not required to be handed over to the CBI. Relying on the above judgments,

Mr. Sumeet Gadodia, learned counsel for the informant vehemently opposed the prayer of quashing of the FIR as well as handing over of the matter to the CBI and submitted that this writ petition may kindly be dismissed.

36. Learned counsel appearing for the petitioners in reply submitted that the objection has been made with regard to the representation of the Union of India through CBI is misconceived. He further submitted that in the case of ***Republic of India (CBI) v. Shubra Kundu (supra)*** much reliance has been placed by the learned senior counsel appearing for the State of Jharkhand and in that case, the CBI has filed the petition and in view of that, it has been observed by the Hon'ble Supreme Court that the Republic of India cannot be represented through CBI and CBI is the creation of statute. He submitted that in the present case, the CBI works under the Union of India and that objection is technical in nature. He also submitted that roster of this Bench is there of the criminal writ petition relating to Delhi Police Establishment Act (CBI) and P.C. Act and in view of that, this Court is competent to hear the matter. He next submitted that in light of the allegation no cognizable offence is made out for superficial nature of injury and only to help other high profile persons with the help of the informant, who is an accused in other two cases including P.M.L.A. cases, the case has been investigated by the police and further on 14.01.2026, at about 06:00 a.m., Jharkhand police has reached to the office of the Enforcement Directorate and treated the said office as crime scene in absence of any notice to the petitioners under Section 35(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023. He also submitted that pages 852, 857, 859, 860 of the rejoinder are misconstrued by the learned counsel for the respondent no.5 with regard to

the correspondence for installation of CCTV camera in the office. He also submitted that the informant was not taken into custody and the arguments of learned counsel on behalf of the respondent no.5 that custodial violence has been made, that is also not made out. He next submitted that no summon for a particular date was issued, however, the informant has appeared *suo motu*.

37. Mr. Prashant Pallav, learned A.S.G.I. appearing for respondent no.4- Union of India by way of referring paragraphs 23 and 24 of the writ petition submitted that on 14.01.2026 at about 11:20 P.M. the Investigating Officer Sri Pankaj Kumar Sharma issued an official notice by e-mail styled as a 'Notice for preservation of evidence' calling for immediate compliance and on 15.01.2026 at around 06:00 a.m., pursuant to the said late-night communication, a substantial police presence arrived at the office premises and sought to treat the office as a crime scene, thereby disrupting the normal functioning of a Central Government agency and in view of that, subsequent sequence of event reveals a clear attempt by the informant-Santosh Kumar to misuse the criminal machinery as a shield against a lawful and advanced investigation into the siphoning of approximately Rs.23 Crores of public fund. He relied upon the judgment passed in the case of ***Salib @ Shalu @ Salim v. State of Uttar Pradesh and others***, reported in ***(2023) 20 SCC 194*** and referred paragraph 26 thereof, which reads as under:

"26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or

vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

38. Mr. Prashant Pallav, learned A.S.G.I. appearing for respondent no.4- Union of India further relied upon the judgment passed in the case of ***Mahmood Ali & others v. State of Uttar Pradesh and others***, reported in ***(2023) 15 SCC 488*** and referred paragraphs 12 and 13 of the said judgment, which read as under:

"12. *We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into*

the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

13. *In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."*

39. Relying on the above judgments, Mr. Prashant Pallav, learned A.S.G.I. appearing for respondent no.4-Union of India submitted that the Court while exercising its jurisdiction under Section 482 of Cr.P.C. and Article 226 of the Constitution of India, is required to take into account overall circumstances leading to initiation of registration of the case.

40. On these grounds, Mr. Prashant Pallav, learned A.S.G.I. appearing for respondent no.4-Union of India submitted that if such allegations are there and high-profile persons' cases are being investigated by the Enforcement Directorate in the State of Jharkhand, the *malafide* action on behalf of the high-ups against the Enforcement Directorate's officers cannot be ruled out and, as such, it is a fit case to handover the matter to CBI for investigation.

41. Mr. Deepak Kumar Bharati, learned counsel appearing for respondent no.2-CBI submitted that the CBI is constituted under a special statute and in relation to the matters which were come within the purview thereof, the CBI could exercise its jurisdiction. He relied upon the judgment passed in the case

of ***Nirmal Singh Kahlon v. State of Punjab***, reported in **(2009) 1 SCC 441** and referred paragraph 66 of the said judgment, which reads as under:

"66. The Act is a special statute. By reason of the said enactment, CBI was constituted. In relation to the matter which were to come within the purview thereof, CBI could exercise its jurisdiction. The law and order, however, being a State subject, CBI derives jurisdiction only when a consent therefor is given by the statute. It is, however, now beyond any controversy that the High Court and this Court also direct investigation by CBI. Our attention has been drawn to the provisions of the CBI Manual, from a perusal whereof it appears that the Director, CBI exercises his power of superintendence in respect of the matters enumerated in Chapter VI of the CBI Manual which includes reference by the State and/or reference by the High Courts and this Court as also the registration thereof. The reference thereof may be received from the following:

- "(a) Prime Minister of India*
- (b) Cabinet Ministers of the Government of India/Chief Ministers of the State Governments or their equivalent*
- (c) The State Governments*
- (d) Supreme Court/High Courts."*

The CBI Manual having been framed by the Union of India, evidently, it has accepted that reference for investigation to CBI may be made either by this Court or by the High Court. Thus, even assuming that reference had been made by the State Government at the instance of the High Court, the same by itself would not render the investigation carried out by it to be wholly illegal and without jurisdiction as assuming that the reference had been made by the High Court in exercise of its power under Article 226 of the Constitution of India in a public interest litigation, the same would also be valid."

42. Mr. Deepak Kumar Bharati, learned counsel appearing for the respondent no.4-CBI also relied upon the judgment passed in the case of ***Khurshid Ahmad Chohan v. Union of Territory of Jammu and Kashmir and others***, reported in **2025 SCC OnLine SC 1491** and he referred paragraphs 15 to 18, 24 and 27 of the said judgment, which read as under:

"15. *It is a settled position of law that the credibility of an investigation agency should be both impeachable and unquestionable. The power to transfer investigations to a certain investigating agency must be sparingly used in the interest of justice and to maintain public trust in the institution. If the investigating agency is privy to the dispute, it may raise doubts on the credibility of the investigation and thus, would be a valid ground to transfer the investigation. In this regard, gainful reference may be made to the decision of this Court in Mohd. Anis v. Union of India, wherein it was held as follows:*

"5. *... Fair and impartial investigation by an independent agency, not involved in the controversy, is the demand of public interest. If the investigation is by an agency which is allegedly privy to the dispute, the credibility of the investigation will be doubted and that will be contrary to the public interest as well as the interest of justice."* (SCC p. 148, para 5) **"2.** *... Doubts were expressed regarding the fairness of the investigation as it was feared that as the local police was alleged to be involved in the encounters, the investigation by an officer of the U.P. Cadre may not be impartial."*

16. *Similarly, this Court in the case of R.S. Sodhi v. State of U.P., noted that:*

"2. *... We have perused the events that have taken place since the incidents but we are refraining from entering upon the details thereof lest it may prejudice any party but we think that since the accusations are directed against the local police personnel it would be desirable to entrust the investigation to an independent agency like the Central Bureau of Investigation so that all concerned including the relatives of the deceased may feel assured that an independent agency is looking into the matter and that would lend the final outcome of the investigation credibility. However faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice to entrust the*

investigation to the Central Bureau of Investigation forthwith and we do hope that it would complete the investigation at an early date so that those involved in the occurrences, one way or the other, may be brought to book. We direct accordingly."

(Emphasis Supplied)

17. *Thus, the power to transfer an investigation to the CBI is not to be exercised as a matter of course. The Constitution Bench in State of West Bengal v. Committee for Protection of Democratic Rights, West Bengal (CPDR)¹⁶, examined the circumstances under which Constitutional Courts may invoke their jurisdiction to direct a CBI investigation. The Court observed that while the power to transfer investigation to the CBI must be exercised with circumspection and only in exceptional circumstances, such power is nonetheless available to be exercised when it is necessary to secure the ends of justice or to prevent infringement of fundamental rights. The Court further held that such extraordinary jurisdiction may be invoked to ensure a fair and impartial investigation where state machinery appears to be ineffective, biased, or complicit. The relevant observations from the said judgment are extracted below:*

"70. *Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international*

ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.”

(Emphasis Supplied)

18. The settled principle of law that emerges from the abovementioned decisions is that the power to transfer the investigation of a criminal case to the CBI is an extraordinary measure, which must be exercised sparingly with great caution, and only in rare and exceptional circumstances. This jurisdiction must not be invoked lightly or in a routine fashion, but only where the facts of the case disclose a compelling necessity to ensure fairness in investigation, preservation of public faith in the administration of justice and protection of fundamental rights of the parties involved. In examining the prayer made by an aggrieved person seeking transfer of investigation to the CBI, the Court must necessarily be guided by the strict parameters laid down in binding precedents. These include, inter alia, instances where the State police authorities appear to be biased or complicit, where the investigation has been tainted by delay, irregularity, suppression of material facts, or where the complexity and inter-State ramifications of the matter necessitate the involvement of a central agency.

24. This Court has addressed the grave issue of custodial torture, inhuman treatment, and custodial deaths in a series of notable judgments including *D.K Basu v. State of West Bengal*, *State of M.P. v. Shyamsunder Trivedi and Nilabati Behera v. State of Orissa*. This Court has not only condemned the nature and extent of such violations as affronts to human dignity and constitutional rights but has also underscored the imperative for a thorough, impartial, and effective investigation into every instance of custodial violence. The Court has repeatedly emphasised that accountability must be ensured through proper legal and procedural mechanisms so that such acts do not go unchecked or unpunished.

27. Considering the unprecedented gravity of this custodial torture case, the systematic cover-up orchestrated by local police machinery, the institutional bias demonstrated in the handling of the complaint, and the complete failure of local authorities to conduct a fair investigation and the unrelenting stand taken by the respondent State, we are

constrained to direct transfer of investigation to the CBI. The local police at Kupwara have demonstrated complete institutional failure by first illegally detaining the appellant from 20th February, 2023, then subjecting him to barbaric and systematic torture resulting in permanent mutilation and finally refusing to register the complaint filed by the appellant's wife while simultaneously creating counter-narratives to shield the perpetrators from accountability. By directing the very Senior Superintendent of Police, who summoned the appellant at the Joint Interrogation Centre, Kupwara, just to conduct an enquiry at such a belated stage, combined with the pendency of NDPS cases, creates a conflict of interest, making it impossible for any fair investigation to be conducted at the local level. Only investigation by an independent agency, i.e., CBI can restore public faith in the criminal justice system, ensure that this dehumanising crime does not go unpunished, and guarantee that the truth emerges without any institutional bias or cover-up attempts. The majesty of law demands nothing less than complete independence and impartiality in investigating crimes that shock the conscience of society and violate the most fundamental principles of human dignity enshrined in Article 21 of the Constitution of India. Hence, the transfer of investigation to the CBI becomes not merely advisable but constitutionally imperative to ensure justice and uphold the rule of law."

43. Relying on the above judgments, Mr. Deepak Kumar Bharati, learned counsel appearing for respondent no.4-CBI submitted that if such allegations are there as in the case in hand, the matter can be handed over to the CBI.

44. Mr. Deepak Kumar Bharati, learned counsel appearing for respondent no.4-CBI further relied upon the judgment passed by the Hon'ble Calcutta High Court in the case of ***Enforcement Directorate, Kolkata Zonal Office I v. State of West Bengal and others and State of West Bengal and others v. Enforcement Directorate, Kolkata Zonal Officer I and another*** in ***MAT Nos. 169 of 2024 and 191 of 2024*** respectively and submitted that in the said cases, the Hon'ble Calcutta High Court has transferred the case to the CBI. He submitted that in view of the aforesaid judgment and in light of the allegations in the present case, it is a fit case to be transferred to the CBI.

45. In view of the above submissions of the learned counsel for the parties and going through the materials on record, it transpires that the Ranchi zonal office of the Directorate of Enforcement is presently handling several high-profile and sensitive investigations involving influential political figures and senior bureaucrats, including matters relating to Chief Minister, former Minister Sri Alamgir Alam, and senior IAS officers such as Ms. Pooja Singhal and Shri Chhavi Ranjan. The informant is an accused in Peyjal Scam and the allegation is there of misappropriation of Government fund of approximately Rs.23 Crores. The informant in his statement, has stated before the Enforcement Directorate that 10% of the total tender value is siphoned off and distributed to the Departmental Minister to the tune of 5% share, commission share for the Secretary of the concerned Department was to the tune of 1.5%-2% and commission share to Engineer-in-Chief and others was to the tune of 3%. The informant was noticed earlier by petitioner no.1 to appear for investigation and pursuant to that, the informant has written a letter disclosing therein that his treatment is going on at CMC, Vellore and he took time and all of a sudden as alleged, he appeared in the office of the Enforcement Directorate on 12.01.2026 and it has been pointed out that petitioner no.1 was engaged in another matter and he has not been able to entertain him, however, on request, he has talked with the informant and in course of talking, the informant has *suo motu* hit his head by way of taking water jug from the table and pursuant to that, he has received injury in the head. The petitioners have taken him to Sadar Hospital, Ranchi and he was examined by the doctor and the OPD Card was prepared, contained in Annexure-5 of the petition at page 134. The doctor has himself noted that

the informant has disclosed that the said injury was self-inflicted by the informant and no bleeding was found, as examined by the Medical Officer, Sadar Hospital, Ranchi, contained in Annexure-5. On the next date i.e. on 13.01.2026, the informant has lodged the FIR before the Airport Police Station, which was registered as Airport P.S. Case No.5 of 2026. On 15.01.2026, it is alleged that substantial police force has reached to the office of Enforcement Directorate and treated the said office as a crime scene. Even if such allegations are true, the question remains what was the haste by the State police to reach to the office of Enforcement Directorate in the early morning of 15.01.2026. If the petitioners have done so, they were required to be noticed under Section 35(3) of Bharatiya Nagrik Suraksha Sanhita, 2023 by the police and inquired from them and if certain cogent materials were found against them, they were required to proceed in accordance with law. The manner police had reached to the office of the Enforcement Directorate that too in the early morning *prima facie* suggests that it was on the instigation of some high-ups, who are accused under the Prevention of Money-Laundering Act. The two agencies being Central Government agency as well as the State machinery are fighting amongst each other with regard to the allegations made by the informant. The fairness of investigation is important not only for the accused, but even for the victim. A reference may be made to the judgment passed in the case of ***Nirmal Singh Kehlon (supra)***.

46. The proper and fair investigation on the part of the investigating officer is the backbone of the rule of law, as has been held by the Hon'ble Supreme Court in the case of ***Shashi Thomas v. State***, reported in ***(2006) 12 SCC 421***.

47. If there is no fair trial and investigation, justice becomes the victim and that has been held by the Hon'ble Supreme Court in the case of **Zahira Habibullah H. Sheikh v. State of Gujarat**, reported in **(2004) 4 SCC 158**. It has been held in paragraph 18 of the said judgment, which reads as under:

"18. According to the appellant Zahira there was no fair trial and the entire effort during trial and at all relevant times before also was to see that the accused persons got acquitted. When the investigating agency helps the accused, the witnesses are threatened to depose falsely and the prosecutor acts in a manner as if he was defending the accused, and the court was acting merely as an onlooker and when there is no fair trial at all, justice becomes the victim."

48. The investigation in criminal matter must be free and that was the subject-matter in the case of **Babubhai v. State of Gujarat**, reported in **(2010) 12 SCC 254**. Paragraph 32 of the said judgment reads as under:

"32. The investigation into a criminal offence must be free from objectionable features or infirmities which may legitimately lead to a grievance on the part of the accused that investigation was unfair and carried out with an ulterior motive. It is also the duty of the investigating officer to conduct the investigation avoiding any kind of mischief and harassment to any of the accused. The investigating officer should be fair and conscious so as to rule out any possibility of fabrication of evidence and his impartial conduct must dispel any suspicion as to its genuineness. The investigating officer "is not merely to bolster up a prosecution case with such evidence as may enable the court to record a conviction but to bring out the real unvarnished truth". (Vide R.P. Kapur v. State of Punjab [AIR 1960 SC 866 : 1960 Cri LJ 1239] , Jamuna Chaudhary v. State of Bihar [(1974) 3 SCC 774 : 1974 SCC (Cri) 250 : AIR 1974 SC 1822] , SCC at p. 780, para 11 and Mahmood v. State of U.P. [(1976) 1 SCC 542 : 1976 SCC (Cri) 72 : AIR 1976 SC 69])"

49. In view of the above, if the Court comes to the conclusion that the investigation is being done or is done in a manner with an object of helping

the party, the Court is required to pass appropriate order.

50. The issue whether the High Court in exercise of its jurisdiction under Article 226 of the Constitution of India, can direct the Central Bureau of Investigation, established under the Delhi Special Police Establishment Act, 1946 to investigate a cognizable offence, which is alleged to have taken place within the territorial jurisdiction of a State without the consent of the State Government was referred for the opinion of the Constitution Bench of the Hon'ble Supreme Court in the case of ***State of West Bengal and others v. The Committee for Protection of Democratic Rights, West Bengal and others***, reported in **(2010) 3 SCC 571**. The Hon'ble Supreme Court has made following observation in paragraphs 17 and 18 of the said judgment, which read as under:

"17. Learned counsel vehemently argued that the stand of the appellants that the exercise of power by the Supreme Court or the High Courts to refer investigation to CBI directly without prior approval of the State Government concerned would violate the federal structure of the Constitution is again misconceived as it overlooks the basic fact that in a federal structure it is the duty of the courts to uphold the constitutional values and to enforce the constitutional limitations as an ultimate interpreter of the Constitution. In support of the proposition, learned counsel placed reliance on the decisions of this Court in *State of Rajasthan v. Union of India* [(1977) 3 SCC 592] , *S.R. Bommai v. Union of India* [(1994) 3 SCC 1] and *Kuldip Nayar v. Union of India* [(2006) 7 SCC 1] .

18. Relying on the recent decision by a Bench of nine Judges of this Court in *I.R. Coelho v. State of T.N.* [(2007) 2 SCC 1] , learned counsel submitted that the judicial review being itself the basic feature of the Constitution, no restriction can be placed even by inference and by principle of legislative competence on the powers of the Supreme Court and the High Courts with regard to the enforcement of fundamental rights and protection of the citizens of India. Learned counsel asserted that in exercise of powers either under Article 32 or 226 of the Constitution, the courts are merely discharging their duty of judicial review and are neither usurping any jurisdiction, nor overriding the doctrine of separation of powers."

51. Be that as it may. It is well-settled that the direction for CBI inquiry should not be ordered by the High Court in a routine manner. The jurisprudence developed by several judgments is well-settled, which imposes a significant self-restraint on the exercise of extraordinary constitutional power under Article 226 of the Constitution of India, which is required to be exercised sparingly, cautiously and only in exceptional situations and in a routine manner, investigation cannot be handed over to the CBI. The Court is required to satisfy on material that it necessitates CBI investigation.

52. It is well-known that public order (Entry 1) and the police (Entry 2) is a State subject falling in List II of Schedule VII of the Constitution and it is a primary responsibility of the investigating agency of the State police to investigate all the offences which are committed within its jurisdiction, however, the investigation can be handed over to the CBI on satisfaction on the conditions as specified therein only in exceptional circumstances, as has been held by the Hon'ble Supreme Court in several cases including in the case of ***State of West Bengal v. Committee for Protection of Democratic Rights, West Bengal (supra)*** and that power cannot be exercised in a routine manner without examining the complexities, nature of offence and other criterion.

53. Section 67 of the Prevention of Money-Laundering Act speaks as under:

"67. Bar of suits in civil courts.-- No suit shall be brought in any civil court to set aside or modify any proceeding taken or order made under this Act and no prosecution, suit or other proceeding shall lie against the Government or any officer of the Government for anything done or intended to be done in good faith under this Act."

54. In light of the above provision, the officers of the Enforcement Directorate are protected for suit or proceeding. However, the argument has

been made on behalf of the learned senior counsel appearing for the State of Jharkhand by way of referring Section 2(11) of the Bharatiya Nyaya Sanhita, 2023 that if it is done in good faith, that protection can be there. The above submission can be appreciated only when fair investigation is done as to whether the said act of the petitioners was done in good faith or not.

55. The CBI is already made respondent no.4 in the present case. The Republic of India and the Union of India are not technically identical, though they are often used interchangeably to refer to the nation. The Union of India refers to the legal entity and federal structure of the states, while the Republic of India is the official, sovereign, democratic name of the country as a whole. In fact, in the year 1963 by an executive resolution, the Government established the CBI and prior to that, there existed the Special Police Establishment (SPE) under the DSPE Act, 1946 to investigate offences committed by Central Government servants while discharging their official duties. With the creation of the CBI, the SPE was made a wing of the CBI for the purposes of investigation. The CBI derives its powers from the DSPE Act, 1946. The CBI functions under the administrative control of the Prime Minister. The CBI is a central police agency that investigates cases, inter alia, of bribery and corruption. In the year 1987, the Anti-Corruption Division was created in the CBI.

56. The judgments relied by the learned senior counsel appearing for the respondent-State and the learned counsel appearing for the informant-respondent no.5 are on different facts and the facts in the case in hand are different and, as such, those judgments are not helping the respondent-State as well as the informant-respondent no.5.

57. Coming to the facts of the present case, the allegations are made that the informant has *suo motu* hit his head by way of jug kept on the table, however, the informant has alleged that the said act was done by the petitioners and that is the subject-matter of investigation and in view of that, the FIR cannot be quashed as the said allegations are not coming in the parameters of the judgment passed in the case of ***State of Haryana v. Bhajan Lal***, reported in ***1992 (1) Supp SC 335***.

58. Annexure-8 annexed with the writ petition is the pre-existing medical condition of the informant, wherefrom, it transpires that the informant is having medical history, which is in the report of the Christian Medical College, Vellore, which further suggests that the informant has long term treatment of primary headache syndrome and seizure disorder and neurological issues and it is before the alleged date of occurrence and the allegations are made of dizziness and headache pursuant to the said alleged injury.

59. In paragraph 47 of the rejoinder affidavit filed on behalf of the petitioners with regard to the counter-affidavit of respondent-State, it has been stated that the allegation in the present FIR is not used as statutory for the first time to stall and mislead investigation but part of well documented *modus operandi* adopted by the informant to intimidate the complainant and investigating officers. The allegations are also there against the investigating officer of Jharkhand police by the informant vide letter dated 17.06.2025 raised identical allegation against the investigating officer of police on his case. Paragraph 47 of the said rejoinder affidavit is quoted herein below:

"47. *That it is respectfully submitted that the allegation in the present FIR is not used as a strategy for the first time to stall and mislead investigation but part of a well-documented modus operandi adopted by the Informant to*

*intimidate the complainants and the Investigating Officers. The respondent is well aware of this fact as, the informant vide letter dated 17.06.2025 has raised identical allegations against the Investigating Officer of Police on his case. The informant in the said letter at Sr. No. 19 stated "That I had disclosed above-stated facts mentioned in paras 1 to 18 before the **Case I.O.- Sri Deepak Narayan Singh** during my remanded period from 25.07.24 to 28.07.24. But all my requests to him went in vain. The Case LO. threatened me that **'If you do not sign the confessional statement, then your wife and children will be put into Jail.'** I had no other option but to sign the confessional statement. This confessional statement was never disclosed before me nor was given for seeing. Further in the said "letter at Sr. No. 20 the informant states "That above stated facts mentioned in paras 1 to 18 transpire that the then S.D.O. No.-3, Ranchi- Sri Mukesh Kumar and Sri Sita Ram Baitha, the present S.D.O. NO-3- Sri Anil Sharma, the DDO- Sri Chandrashekhar, the D.A.O- Sri Parmanand Kumar and the S.D.C-Sri Hari Kishore Mahto have fabricately implicated me in this false case by means of a big conspiracy woven by them. Therefore, I humbly pray you to kindly order or recommend for C.B.I/ED probe into this case so that unbiased and impartial investigation could be carried out and the real culprits could be punished. For this, I will be highly obliged to your kindness forever." The said DDO, Chandrasekhar is the complainant of subject FIR, whose investigation under PMLA,2002 is being conducted by the Directorate of Enforcement, Ranchi. The Respondent being in knowledge of this complaint already since 17.06.2025 and well aware of his modus of weaponisation of allegation, chose to ignore all the evidence against the allegations in the FIR."*

60. The objection raised by the learned senior counsel appearing for the State of Jharkhand with regard to filing of the rejoinder affidavit by Mr. Debidatta Sarangi, Assistant Director of Directorate of Enforcement office of Zonal Directorate, Ranchi zone is not acceptable in view of the fact that there is precedent in the Jharkhand High Court that the affidavit is required to be filed by the *Pairvikar* and not by the accused in a criminal case. The writ petition has also been sworn by the *Pairvikar* and the same person has also sworn the affidavit on behalf of the petitioners as *Pairvikar* in the writ petition and that objection was not made with regard to filing of the present writ petition and, as such, said objection is not acceptable.

61. What has been discussed above and in light of the allegations made against the petitioners, who happened to be the officials of the Enforcement Directorate, who are investigating the high-profile cases of the State of Jharkhand and the Jharkhand police has also lodged two cases against the informant and on the allegations of that person, Jharkhand police has acted in haste as discussed herein above, which *prima facie* suggests that on the instruction of the high-ups, the police has acted so. The investigation is required to be done fairly. The said allegation is made against the Central Government Agency. In view of that, fair investigation by an independent agency is the need of the hour. In that view of the matter, the Court finds that there is an exceptional circumstance to handover the matter to the CBI.

62. In the result, prayer (ii) with regard to handover the matter to the CBI for investigation is allowed. The case being Airport P.S. Case No.5 of 2026 filed before the Airport Police Station shall forthwith be transferred to the CBI. The Director, CBI shall direct for registration of the case by the CBI and investigate the same in accordance with law. The Officer-in-Charge, Airport Police Station will hand over the entire documents with regard to Airport P.S. Case No.5 of 2026 to the CBI forthwith.

63. Learned counsel appearing for the respondent no.2-CBI shall intimate this order to the Director, CBI for the needful.

64. Accordingly, this criminal writ petition is partly allowed in above terms and disposed of.

(Sanjay Kumar Dwivedi, J.)

Jharkhand High Court, Ranchi

Dated: 11th March, 2026

*Ajay/ **A.F.R.***

*Uploaded on
11th March, 2026*