2026 INSC 71

S.L.P. (Crl.) No.492/2026

REPORTABLE

IN THE SUPREME COURT OF INDIA

EXTRAORDINARY CRIMINAL JURISDICTION

SPECIAL LEAVE TO APPEAL (CRL.) NO.492 OF 2026

NAWAL KISHORE MEENA @ N.K MEENA **Petitioner(s)**

VERSUS

STATE OF RAJASTHAN **Respondent(s)**

O R D E R

1. Heard the learned counsel appearing for the petitioner.

2. Two questions of law fell for the consideration of the High Court. The two questions are as under:-

> ***"(I) If any offence under the Prevention of Corruption Act is committed by a person, serving under the Central Government, or an employee of the Central Government, within the territorial jurisdiction of the State of Rajasthan, whether the State agency of Anti-Corruption Bureau (ACB) is authorized and has jurisdiction to register a criminal case against such person and to proceed for investigation and filing of charge-sheet. Or whether the jurisdiction lies exclusively with the Central Bureau of Investigation (CBI), and without prior approval/ consent of the CBI, the ACB cannot proceed in the matter?***
>
> ***(II) If a charge-sheet of an offence under the Prevention of Corruption Act, is filed by the Anti-Corruption Bureau***

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against a person, serving under the Central Government or an employee of the Central Government before the Court of competent jurisdiction, but without obtaining the approval/ consent of the CBI, whether such charge-sheet can be considered valid in law and within jurisdiction to commence and culminate the criminal trial of such offence in accordance with law?"

3. Both the questions, referred to above, have been answered by the High Court against the petitioner. The High Court after due consideration of the position of law and a review of various decisions of this Court and the provisions of law, has recorded a categorical finding that the ACB of the State of Rajasthan has jurisdiction to register the criminal case under the provisions of the Prevention of Corruption Act, 1988 (PC Act) despite the fact that the accused is an employee of the Central Government. The High Court has taken the correct view while saying that it is incorrect to say that it is only the CBI who could have instituted the prosecution.

4. The Delhi Special Police Establishment Act (DSPE Act) under which CBI is formed was enacted in the year 1946. The scope of this Act was enlarged to cover all departments of Government of India. Its jurisdiction was extended to the Union Territories and could be further extended to the States with the consent of concerned State

Government. The DSPE Act, 1946 acquired its name as the Central Bureau of Investigation (CBI) through the resolution dated 01.04.1963 passed by the Ministry of Home, Govt. of India. In 1987, the CBI was divided into following divisions: (a) Anti-corruption division, (b) The special crime divisions, (c) Economic crime division, (d) The policy and international police co-operation division, (e) Administrative division, (f) The directorate of prosecution division, (g) The central forensic division.

5. Although the law and order including investigation of different criminal cases is a State subject and generally such matters are being investigated by the State, yet the relation between the CBI and the State Police is supplementary to each other and as per the CBI constitution and *inter se* arrangement between CBI and State police there are several areas where the CBI and the Police require *inter se* cooperation and support. As per the arrangement the cases of corruption by the Central Government are being investigated by CBI and the cases of bribery and corruption by the State Government employees are being investigated by the State Police. CBI also has the power under the CBI Constitution to investigate any case of the nature which includes offences against

the Central Government employees, or concerning affairs of the Central Government and employees of central public-sector undertakings and public-sector banks, cases involving the financial interests of the Central Government etc.

6. Section 156 of the Cr.P.C falling within Chapter XII deals with powers of the police officers to investigate cognizable offences. Sub Clause (1) of Section 156 of Cr. P.C says that any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII. Sub Clause (2) of Section 156 of Cr. P.C says that no proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. Section 4 of Cr.P.C. deals with the trial of offences under the Indian Penal Code and other laws. Sub Section (1) of Section 4 of Cr.P.C says that all offences under the Indian Penal Code shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions of the Code. Sub Section (2) of

Section 4 of Cr.P.C makes it clear that all offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences. The Criminal Procedure Code is the parent statute which provides for investigation, inquiry into and trial of cases and unless there is specific provision in another statute to indicate a different procedure to be followed, the provisions of Cr.P.C cannot be displaced. In other words, the existence of a special law by itself cannot be taken to exclude the operation of Cr.P.C. Unless the special law expressly or impliedly provides a separate provision for investigation, the general provision under Section 156 of Cr.P.C shall prevail.

7. The PC Act is a special enactment enacted to deal with the bribery and corruption. Going by Section 4(2) read with Section 156 of Cr.P.C, the provision of Cr.P.C shall be applied to the extent that they are not inconsistent with the provisions of the P.C Act which being a Special Act, will deal with all kinds of the offences committed under it. Section 17 of the P.C. Act deals with

investigation into cases under the Act. It is extracted hereunder for easy reference:

> ***"Section 17: Persons authorised to investigate.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no police officer below the rank,—***
>
> ***(a) in the case of the Delhi Special Police Establishment, of an Inspector of Police;***
>
> ***(b) in the metropolitan areas of Bombay, Calcutta, Madras and Ahmedabad and in any other metropolitan area notified as such under sub-section (1) of section 8 of the Code of Criminal Procedure, 1973 (2 of 1974), of an Assistant Commissioner of Police;***
>
> ***(c) elsewhere, of a Deputy Superintendent of Police or a police officer of equivalent rank, shall investigate any offence punishable under this Act without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make any arrest therefor without a warrant:***
>
> ***Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make arrest therefor without a warrant:***
>
> ***Provided further that an offence referred to in clause (e) of subsection (1) of section 13 shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police."***

8. The PC Act does not specifically envisage a separate procedure for conducting investigation. The offences under the PC Act can be investigated into by the State agency or by the Central agency or by any police agency as can be seen from Section 17 of the said Act with the qualification that the police officer shall be of a particular rank. Section 17 does not exclude or prevents the State Police or a Special Agency of the State from registering a crime or investigating cases relating to bribery, corruption and misconduct against Central Government employess. It is for convenience and to avoid duplication of work that the Central Bureau of Investigation - a specialised investigating agency under the Special Police Establishment - is entrusted with the task of investigation of the cases of corruption and bribery against the employees of Central Government and its Undertakings and the Anti - Corruption Bureau - a specialised investigating agency of the State - is entrusted with the task of investigation of the cases of corruption and bribery against the employees of State Government and its Undertakings. As stated above, Section 156 of Cr.P.C. authorizes any police officer in charge of a police station to investigate a cognizable offence without the order of the Magistrate. The word 'Police Station' has

been defined in Clause (s) of Section 2 of the Code to mean "any post or place declared generally or specially by the State Government, to be a police Station, and includes any local area specified by the State Government in this behalf". The Vigilance and Anti-Corruption Bureau (VACB) is also a wing of State Police. The offences under the PC Act are also cognizable and can, therefore, be investigated by the State Police or VACB. The only rider is that the investigation can be done only by a police officer of the rank specified in Section 17 of the PC Act. As per Section 22 thereof, the provisions of Cr.P.C shall apply save and except the specific areas envisaged by the Act.

9. A similar question came up for consideration before this Court as early as in 1973 in *A.C.Sharma v. Delhi Administration*, reported in (1973) 1 SCC 726. That was a case where a crime was registered against the accused under Section 5(2) of the P.C. Act, 1947 by the Anti-Corruption Department of Delhi Administration (State agency). After investigation, the final report was filed. The accused was tried before the Special Judge, Delhi and he was convicted and sentenced to undergo imprisonment. His appeal was dismissed by the High Court of Delhi. He challenged the conviction and sentence

before this Court. The main ground urged by the accused before this Court was that the DSPE Act as amended prescribed special powers and procedure for investigation of offences of bribery and corruption in the Departments of Central Government and as he was an employee of the Central Public Works Department and offences against him could only be investigated by the Special Police Establishment established under the Delhi Special Police Establishment Act. The investigation having not been done by the Delhi Special Police Establishment, his trial was vitiated, contended the accused. This Court after evaluating the rival contentions held that the scheme of the DSPE Act does not either expressly or by necessary implication divest the regular police authorities of their jurisdiction, power and competence to investigate into offences under any other competent law. It was further held that the DSPE Act seems to be only permissive or empowering, intended merely to enable the Delhi Special Police Establishment also to investigate into the offences specified as contemplated by Section 3 without impairing any other law empowering the police authorities to investigate offences. The Central Bureau of Investigation has also been constituted by

notification passed under Section 3 of the DSPE Act.

10. The question whether State police has jurisdiction to investigate the offences of bribery and corruption under the PC Act against the Central Government employees came up for consideration before the High Courts of Madhya Pradesh and Andhra Pradesh respectively. A Division Bench of the Madhya Pradesh High Court in *Ashok Kumar Kirtiwar v. State of Madhya Pradesh*, reported in 2001 SCC OnLine MP 83, held that the State Police, be it a regular police force or the Special Police Establishment, can investigate the offences of bribery and corruption against the Central Government employees posted in the State of Madhya Pradesh. The Full Bench of the Madhya Pradesh High Court in *Arvind Jain v. State of Madhya Pradesh*, reported in 2017 SCC OnLine MP 1294, also took the same view that the offence of bribery and corruption against the Central Government employees posted in the State of Madhya Pradesh can be investigated by regular police force or Special Police Establishment. A Single Bench of Andhra Pradesh High Court in *G.S.R. Somayaji (Dr.) v. State through CBI*, reported in 2001 SCC OnLine AP 1196, held that the trap laid down against Central Government employees and investigation done by the State agency

cannot be questioned on the premises that it is illegal for want of jurisdiction. We agree with the dictum laid down in those decisions. [See : *The State of Kerala v. Navaneeth Krishnan*, Kerala High Court, 2023 SCC OnLine Ker 5730]

11. We find no error, not to speak of any error of law, in the impugned judgment and order passed by the High Court.

12. In view of the aforesaid, the Special Leave Petition stands dismissed.

13. Pending application(s), if any, stands disposed of.

……J.
(J.B. PARDIWALA)

……J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
19TH JANUARY, 2026