

(2026) 03 MP CK 0884

In the Madhya Pradesh High Court, Jabalpur Bench

Case No : Writ Petition No. 10168 Of 2026

Dr Ankit Tripathi

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 25-03-2026

Acts Referred:

Prevention Of Corruption Act, 1988 — Section 7, 7(a), 7(b)

Citation : (2026) 03 MP CK 0884

Hon'ble Judges : Vivek Agarwal, J;Avanindra Kumar Singh, J

Bench : Division Bench

Advocate : Raunak Yadav, Abhishek Shrivastava

Final Decision : Dismissed

Judgement

Vivek Agarwal, J

This petition is filed on behalf of petitioner Dr. Ankit Tripathi S/o Shri Ram Narayan Tripathi, Incharge Block Medical Officer Baldeogarh Block, district Tikamgarh, challenging the FIR Ex.P/2, registering Casde Crime No.199/2025, by the Special Police Establishment under Section 7 of Prevention of Corruption Act, 1988, as amended in 2018, showing cause of action to be 26.08.2025 to 29.08.2025.

Allegation is that the complainant runs an Aadhar Card Preparation Center in the campus of Community Health Center, Khargapur. Allegation is that petitioner Dr. Ankit Tripathi, demanded bribe for grant of permission to continue the Aadhar Card Preparation Center within the campus of Community Health Center, Khargapur. Complaint was made. Recording was made and according to Shri Abhinav Shrivastava, learned counsel for the respondent, petitioner is consistently avoiding giving his voice sample.

Prayer is made to quash the FIR in view of the judgment of Hon'ble Supreme Court in Dileepbhai Nanubhai Sanghani Vs. State of Gujrat and another [2025 LiveLaw (SC) 273].

After hearing learned counsel for the parties and going through the record, Section 7(a) as stands amended vide Act No.16 of 2018 w.e.f. 26.07.2018, provides that :-

"7(a). obtains or accepts or attempts to obtain from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant."

Similarly, clause (b) of Section 7, provides that :-

"7(b). obtains or accepts or attempts to obtain, an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to perform such duty either by himself or another public servant."

Explanation 1, below Section 7, provides that :-

"Explanation 1 - For the purpose of this section, the obtaining, accepting, or the attempting to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by public servant, is not or has not been improper."

Illustration given below Explanation-1 is as under :-

"Illustration - A public servant, 'S' asks a person, 'P' to give him an amount of five thousand rupees to process his routine ration card application on time. 'S' is guilty of an offence under this section."

Shri Raunak Yadav, learned counsel for the petitioner submits that he has information from informal channels that Lok Ayukt is proposing to close the case.

This submission is vehemently denied by Shri Abhinav Shrivastava, learned counsel for the respondent.

Shri Raunak Yadav, learned counsel for the petitioner has also questioned the locus and delay.

As far as the locus is concerned, Explanation (2), below Section 7 of Prevention of Corruption Act, 2018, makes a specific mention that it shall be immaterial whether such person being a public servant, obtains or accepts or attempts to obtain the undue advantage directly or through a third party. Therefore, even if the said Center is not directly in the name of the complainant, but still the complainant will have locus.

As far as delay is concerned, delay of one month, as is apparent from the FIR Ex.P/2, cannot be said to be so fatal so to defeat the case or collection of the evidence. Delay in lodging of the FIR can only be fatal when it becomes impossible for the prosecution to collect evidence and presented in the form of a comprehensive data before the trial Court for prosecution. Therefore, these two grounds also do not find favour with us.

In fact, in case of Mubarak Ali Vs. State (AIR 1958 MP 157) , it is held that " a mere demand or solicitation by a public servant amounts to the commission of this offence; when tested then in humble opinion of this Division Bench, the facts of the present case are distinguishable from the one which was presented before the Apex Court in Dileepbhai Nanubhai Sanghani's case (supra) and, therefore, that judgment is not applicable to the facts and circumstances of the present case in view of the amended provisions of Prevention of Corruption Act 2018, in view of the Explanation- 1 and Illustration, whereas matter before Hon'ble Supreme Court is of the year 2008. Therefore, we are of the opinion that in view of the aforesaid quoted illustration, no indulgence is called for to quash the FIR at this stage.

In above terms, petition is dismissed.