

SC: Preliminary Enquiry by CBI not mandatory in every corruption case, revived FIR

In ***Central Bureau of Investigation (CBI) v. Thommandru Hannah Vijayalakshmi [Criminal Appeal No. 1045 of 2021 dated October 08, 2021]***, Central Bureau of Investigation ("the Appellant") filed an appeal impugning a judgment Order dated February 11, 2020 passed by the Honorable High Court of Telangana ("Telangana HC") by which a Writ Petition by Thommandru Hannah Vijayalakshmi ("the Respondent") was allowed and a First Information Report ("FIR"), against the Respondent, dated September 20, 2017 was set aside.

The FIR had been registered against the Respondent for being in possession (allegedly) of assets disproportionate to her known sources of income. The FIR has thus been registered for offences punishable under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act 1988 and Section 109 of the Indian Penal Code, 1860 ("IPC"). The Telangana HC quashed the FIR on the basis that the Appellant didn't conduct a Preliminary Enquiry under the CBI (Crime) Manual, 2005 before the registration of the said FIR.

In the case, the Appellant contended that CBI Manual does not make it mandatory to conduct a Preliminary Enquiry ("PE") before the registration of the FIR. It was stated that a PE cannot be made mandatory for all cases of corruption and is only conducted when the information received is not sufficient to register a regular case.

After taking perusal of all the facts and evidences of the case, the Honorable Supreme Court of India held that if CBI chooses not to hold a PE, the Respondent cannot demand it as a matter of right and therefore, revived the FIR against the Respondent which was erstwhile quashed.

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