

**In the Court of Dig Vinay Singh: Special Judge: (PC Act), (CBI)-09
MPs/MLAs Cases/Rouse Avenue Courts, Delhi**

CBI

VS.

SATYENDRA JAIN & OTHERS

**CLOSURE REPORT No. 4/2022
RC No. 19(A)/2018
PS CBI/ACB/ND
CNR NO. DLCT11-000251-2022
FILING NO. 245/2022**

*Date of institution: 30.04.2022
Date of arguments: 21.07.2025
Date of order: 04.08.2025*

ORDER

1. This is a final report under Section 173 of the Cr.P.C. (Sec. 193 of *Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)*), requesting closure of the above-mentioned FIR.
- 1.1. The FIR was registered on 29.05.2019 against Mr. Satyendra Jain (the then PWD Minister, GNCTD) and other PWD officials based on a complaint from the Directorate of Vigilance, GNCTD (Government of the National Capital Territory of Delhi).
2. The complainant alleged irregular engagement of professionals in the PWD, violation of rules, and payments made from unrelated project funds. It is also alleged that the minister and PWD officials irregularly hired a “Creative Team” of consultants, breaching recruitment and financial regulations.

2.1. The allegations involve hiring a 17-member Creative Team of consultants by PWD. The complainant claimed that outsourcing professionals for PWD projects was allegedly irregular and lacked proper approvals from the relevant Finance Department. This hiring bypassed standard recruitment procedures. The expenses were charged to unrelated projects, such as “Barapulla Phase-III,” without clearance from the Finance Department. It is alleged that financial propriety was compromised, potentially giving undue advantage. Standard government hiring practices were ignored. There was a reduction in eligibility criteria. The scope of work was altered, and the process was manipulated to favor a specific agency, M/s Soni Detective & Allied Services Private Limited, thereby violating norms and resulting in financial irregularities. Allegations of favoritism and procedural lapses were made. The transparency in engaging the private outsourcing agency was also questioned.

3. After registration of FIR, the CBI focused and examined;

- *the justification and need for hiring such professionals;*
- *the recruitment method and transparency of recruitment;*
- *engagement and performance of the hired professionals;*
- *financial authority & approvals;*
- *use of project funds;*
- *qualifications and roles of the hired professionals;*
- *changes in financial head and administrative sanctions;*
- *whether any pecuniary advantage existed or personal gain was involved and;*
- *whether legal and procedural norms under the CPWD Manual and Finance rules were followed.*

4. After investigation, the CBI concluded that the need to hire professionals was justified. It started with a UO Note dated 01.09.2015 issued by OSD to the Minister, PWD, citing lack of in-house expertise and high vacancy as the key reasons for hiring professionals. The aim was to ideate and execute key infrastructure projects such as Smart schools, hospitals, clinics, and road redesign, with innovation and efficiency. Since there was a lack of in-house expertise for conceptual, design, and planning matters related to large infrastructure projects, a need was identified for hiring such professionals during the brainstorming sessions with PWD officers. There were 50% vacancies in the post of Architects (25 out of 45 posts were vacant). Since GNCTD had a goal to execute major infrastructure projects in a time-bound manner, the note was initiated mentioning hiring of young, qualified professionals from premier institutions (IITs, NIDs, SPAs, IIMs) on a contractual basis for Architects, landscape planners, urban designers, etc., and the emoluments were outlined in the note. The CBI concluded that the need for such hiring of professionals was indeed justified due to the aforementioned reasons.
- 4.1. As far as the process of recruitment is concerned, it was found during investigation that the hiring process began with an open advertisement, resulting in more than 1700 applications received. Subsequently, to avoid future claims for permanent employment, it was decided that instead of hiring the professionals on a contractual basis, the same would be outsourced. Accordingly, a modified notification was published, and candidates who had already applied were asked to

provide consent to be engaged through an outsourcing agency. Approximately 200 applicants gave such consent.

- 4.2. The interview board included experts like the former CMD of HUDCO, the Ex-DG of CPWD, and the Chief Architect of DMRC. The interviews were conducted over several days, from 15th to 26th February 2016, and the candidates were selected based on merit. The Interview Committee comprised of five members from CPWD, DMRC & HUDCO. Out of 126 candidates interviewed, 27 were recommended and 17 were ultimately hired through the above-mentioned agency, namely M/s Soni, which had won the bidding through open tendering. The advertisement was given publicly.
- 4.3. Initially, direct engagement of professionals through open advertisement was proposed, but due to the absence of sanctioned posts and the legal risk of future absorption, it was decided to outsource the recruitment. As a result, revised advertisements were issued, and consent letters were obtained from the earlier applicants.
- 4.4. Also, NICS I was approached for such professionals, but it did not have the qualified professionals. A two-envelope tendering system was adopted, in which two bids were received, and M/s Soni, being the lowest bidder (L1), was awarded the contract. The memorandum of articles of M/s Soni included manpower supply capability.
- 4.5. The CBI found no irregularities in the selection process. The selection was based on merit & qualification. Only one landscape Architect was selected due to a lack of suitable candidates.
- 4.6. The monthly emoluments were defined as: Rs. 50,000/- for fresh Graduates, Rs. 75,000/- for post-graduates or those with 3+ years of

experience, and Rs. 1 Lakh for MBAs. The CBI found that these amounts aligned with the regular earnings of PWD Architects, who earned between Rs. 50,000 and Rs. 1.95 Lakhs Per Month.

4.7. CBI found that 82 projects were managed, including Mohalla clinics (designs and executions), flyovers and elevated corridors, design of Aam Aadmi Clinics, Aanganwadis, TOD planning, 3D modeling, GIS mapping, and geo-referencing for DMRC. The consultants were chosen based on technical needs and project urgency. Highly qualified candidates joined, but many left later for better opportunities. CBI found no irregularities in the recruitment process. The remuneration and qualifications of the professionals hired were justified. Many of the professionals were from reputable institutions, with degrees from top institutes, and there was no evidence of undue benefits from their engagement. Since many left later for higher paying jobs, it suggests they were not unduly enriched.

4.8. Based on the financial and administrative approval, CBI found that the estimated cost of Rs. 3.83 Crores was well within the Rs. 5 Crore limit delegated to the Principal Secretary, PWD, and there was no mandatory requirement to consult the Finance Department. CPWD Manual provisions were followed, and the change in expenditure from other projects was not irregular. All necessary approvals were obtained for engaging 17 professionals, forming the Interview Committee, preliminary estimates, revised expenditure, and operating within the delegated powers. The file movement was tracked from the Deputy Director to the Principal Secretary, to the Minister, and back to the Engineer in Chief.

- 4.9.** The expenditure was initially charged to “Barapulla Phase-III” and later to “Mohalla Clinics” for convenience in funding, which was not unusual and was administratively appropriate due to full GNCTD funding. The Barapulla Project was partially funded by the Center, whereas Mohalla Clinics were fully funded by GNCTD. The transfer or reallocation of funds aimed to reduce audit concerns, and no irregularity or criminal intent was found in this switch. Additionally, an explanation was provided that the consultants worked on Mohalla Clinics, so the cost was reassigned. No loss to the exchequer or misappropriation was identified.
- 4.10.** Regarding the selection of the outsourcing agency, the CPWD Works Manual permits the engagement of private consultants when internal staff are unavailable or overloaded, under Rule 6.13. PWD floated a tender, and M/s Soni was selected as the lowest bidder; its MoA confirmed its eligibility to supply technical manpower, and the file notes and approvals confirmed that the selection process followed the procedures outlined in the CPWD Works Manual. During the investigation, the CBI found that not only is outsourcing of consultants allowed under Rule 6.13 of the CPWD Manual, but also that financial powers were delegated, allowing administrative secretaries to sanction up to Rs. 5 crores. According to the CPWD Manual, payments can be charged to contingencies or savings within work estimates, eliminating the need to seek approval from the Finance Department. Changes in scope or expenditure heads did not require re-approval from the Finance Department, and there were previous precedents for outsourcing technical manpower in PWD. No provisions were violated,

and all actions were properly documented and authorized, indicating legal compliance and procedural validity.

4.11. After having investigated the matter for about four years, CBI found no criminality or evidence of personal gain, bribery, or any criminal intent or violation of financial rules.

4.12. The hiring of professionals was necessary due to urgent departmental needs. A transparent recruitment process was followed through a competitive method, and no payments were made beyond prescribed norms and approved limits. Emoluments were neither excessive nor irregular. Therefore, no evidence of corruption, criminal conspiracy, undue favor, or personal gain was found, and a closure report is preferred. Accordingly, the complaint was found lacking in substance, and the CBI recommends closure as no offence appears to have been established.

5. The complainant was sent a notice of the closure report, and the complainant preferred a protest petition vehemently opposing the CBI's closure report.

5.1. The key objections raised by the complainant include circumventing normal recruitment procedures and financial approval processes; misuse of public funds by charging unrelated project contingency funds; use of an unqualified private outsourcing agency (Soni Detective) with an 11% commission for no real services delivered; hiring of underqualified candidates instead of top talent from premier institutions; issuing advertisements without clear selection plans; appointments made under the pretext of urgency despite significant delays in the recruitment process; hiring professionals through initial

public advertising followed by redirecting them via an outsourcing agency.

5.2. The complainant claims that the CBI's closure report heavily relies on accused statements while ignoring documentary evidence. The investigation by the CBI is described as casual, biased, and intended to defeat the facts. The conclusions are termed vague and inconsistent. The complainant further asserts that there was no connection between hiring professionals and the projects charged, as Rs.3.83 crore was withdrawn from unrelated capital projects, violating the CPWD manual and lacking approval from the Finance Department. It is also claimed that warnings by AAO Abraham Alexander were ignored, and the threshold limit was deliberately kept under Rs.5 crores to avoid scrutiny or approval by higher authorities. The complainant contends that there is no justification for hiring these professionals, especially considering that the claimed urgency was in 2015, but hires only occurred late in 2016 or later. If it was truly urgent, why wasn't the formal recruitment process initiated that year?

5.3. Additionally, the complainant questions the hiring of Soni Detective Agency, which was allegedly selected through an irregular tender process, claiming that this company specialized in supplying plumbers and household helpers, not professionals as required, yet it was awarded an Rs.1.76 crore contract with an 11% commission. Its name was later changed to Soni Management after the award, which raises suspicion; only two bidders participated, one being an architecture firm and the other the offending company. The tender was issued after the funds and steps had already been committed.

- 5.4. No proper due diligence was conducted to hire professionals from legitimate sources, and NICS I was improperly consulted despite its irrelevance to architectural staffing. The recruitment process was also criticized as a sham, as the initial public advertisement received 1,700 applications. Yet, the hiring process was outsourced to Soni Detective, and applicants were asked to consent to employment through the agency, reversing the routine procedures. The complainant argues that this process was fraudulent, and the outsourcing agency was unqualified.
- 5.5. These facts are alleged to demonstrate criminal misconduct under section 13(1)(d) of the PC Act, as it stood before its amendment, and also criminal conspiracy. The conduct described indicates the abuse of official power by public servants, facilitating illicit benefits to a private party with no public interest served, and the deliberate circumvention of rules, including the misappropriation of public funds intended for a private agency, which suggests conspiracy.
- 5.6. The complainant relies upon the case of *Vinay Tyagi Vs. Irshad Ali* (2013) 5 SCC 761; *MC Mehta Vs. UoI* (2007) 1 SCC 110 and *UPSC Vs. S Papaiah* (1997) 7 SCC 614, on the point that the court may reject closure and order further investigation.
- 5.7. The complainant also relies upon the case of *Neera Yadav Vs. CBI* (2017) 8 SCC 757; *Manohar Lal Sharma Vs. Principal Secretary* (2014) 2 SCC 532 and *Ram Lakhan Singh Vs. State of UP* (2015) 16 SCC 715, on the point that public office cannot be used for private gain, the ingredients of Section 13(1)(d), there can be no distinction of an

accused for corruption based on status or position, and corruption is not judged by degree.

- 5.8. The complainant also relies upon the case of *Minu Kumari Vs. State of Bihar* (2006) 4 SCC 359, *Bhagwant Singh Vs. Commissioner of Police* (1985) 2 SCC 537, *Abhinandan Jha Vs. Dinesh Mishra* (1968) 3 SCR 668 and *India Carat (P) Ltd. Vs. State of Karnataka* (1989) 2 SCC 132, on the point that a magistrate may take cognizance even on a closure report and independent mind has to be applied even on a closure report and if there are prima facie material cognizance can be taken or further investigation can be ordered. The third option available is to accept the closure report.
- 5.9. The complainant also relies upon the case of *State of Chattisgarh Vs. Aman Kumar Singh* decided by Hon'ble Supreme Court on 01.03.2023 in SLP (Crl. No. 1703- 1705/2022) on the point that Courts must avoid quashing corruption cases prematurely and the importance of probity in governance and the rule of law is emphasized.
- 5.10. Complainant also relies upon the case of *Manju Surana Vs. CBI* (2012) 5 SCC 371, wherein it is held that the requirement at the closure report stage is only to check if there is sufficient ground to proceed, not to convict, and if the closure report reveals prima facie elements of the offences, the Court can take cognizance.
- 5.11. According to the complainant CBI's report reflects facts supporting criminal misconduct and conspiracy and therefore either cognizance be taken or fresh investigation/ further investigation u/s 17(8) Cr.PC be ordered, preferably by a different IO/ team, in the interest of justice.

6. In reply, CBI states that no wrongful gain was made by public servants, the outsourcing agency (M/s Soni Detectives), or the hired professionals. When no prosecutable evidence of corruption or criminal conspiracy exists, the case has been closed. It is claimed that the protest petition is based on assumptions, surmises, and mere administrative irregularities, which do not amount to criminality under the PC Act.
- 6.1. It is argued that the hiring process was justified because PWD faced a shortage of specialized staff in areas like urban planning and graphic designing, where no sanctioned posts or recruitment rules existed, making direct recruitment unfeasible. Therefore, hiring through an outsourcing agency was an accepted, common practice. The professionals were hired transparently through an open advertisement and interview process by a broad-based committee including members from CPWD, DMRC, and HUDCO.
- 6.2. It is also claimed that the qualifications of the selected candidates met general standards, many from reputed institutes, and some moved on to better jobs later, indicating no undue pecuniary advantage was gained. The role of the outsourcing agency and its selection process were not found suspicious, as the process was transparent and through a tendering process.
- 6.3. The agency was the lowest bidder, with its MoA clearly stating its responsibilities included sourcing candidates, supervising, disbursing salaries, maintaining attendance, providing insurance, and handling HR functions.

- 6.4. The company received Rs. 7 lakhs as commission for supplying manpower, with no undue favor or wrongful gain established. Rs. 63.09 lakhs was paid to 17 professionals working on 82 projects, with expenditures charged to capital works or project contingency funds, which was permissible under CPWD manual and delegated powers. No instances of excess spending or procedural fraud were found.
- 6.5. The change in funding source was justified; payments shifted from the “Barapulla elevated corridor” project to “Mohalla Clinics,” as the same creative team served both, with the latter being a priority project fully funded by GNCTD.
- 6.6. Regarding specific allegations such as lack of sanction posts, over-remuneration, the involvement of Soni Detectives, hiring of professionals from non-premier institutions, absence of PWD members on the interview board, and suspicious change in hiring mode, the CBI responded that; the lack of sanction post justified outsourcing; Remuneration was transparent and reasonable; The agency selection was transparent and done through a fair process; professionals from reputed institutes were hired, and the Engineer-in-Chief of PWD chaired the interview panel with other neutral officials to ensure fairness. To prevent future absorption risks, the change in hiring mode was adopted. Most professionals were from IIT, BIT, and SPA, reaffirming their qualifications.
- 6.7. The CBI found no evidence of pecuniary advantage, conspiracy, or corruption, and the protest petition does not provide any sufficient prima facie evidence from investigations or otherwise, warranting

further inquiry. Since the issues relate to administrative decisions without criminal elements, and more than six years have passed, further investigation is unwarranted. The CBI requests the protest petition be dismissed and the closure report accepted. Written arguments filed by the CBI reinforce these points; further detail is unnecessary to avoid repetition.

7. Thus, the CBI strongly rejects all the objections, stating that they are based on assumptions and guesses that contradict the evidence collected, except for admitted matters. It emphasizes that procedural irregularities or errors in judgment do not constitute offences under section 13(1)(d) of the PC Act, unless involving “wrongful gain.” The protest petition lacks specific arguments or evidence supporting claims of “wrongful gain” or “pecuniary advantage,” and no new evidence has been presented to justify further investigation. After nearly 6.5 years, no prosecutable proof of an offence under section 13(1)(d) has been found, nor is any expected.
- 7.1. Regarding the necessity of the Creative Team and the recruitment method, the protest petitioner questioned the urgency, lack of investigation into vacancies, and why standard recruitment methods weren't used. The CBI clarified that PWD often employs architectural consultants due to staff shortages, and direct or regular recruitment for specialized roles like Environment Planner and Urban Designer was not feasible since no sanctioned posts or recruitment rules existed for those positions. Hiring via an outsourcing agency is a common practice and serves as a safeguard against future claims of absorption by contractual staff. The creative team was a temporary arrangement for two years to

increase capacity and introduce new industry practices across multiple projects.

- 7.2.** Concerning allegations against M/s Sony Detectives and Allied Services Pvt. Ltd., the CBI stated the agency was hired through a transparent tender advertised in newspapers, and it was the lowest bidder. The tender was re-advertised after the initial bid from another company was invalid, which negates claims of undue favor. No complaints about tender irregularities were received from the losing bidder.
- 7.3.** Regarding “Unjust Enrichment” and “Wrongful Gain,” the investigation revealed that total payments to M/s Sony Detectives until the tender was halted on 31.03.2017, amounted to only Rs. 7 lakhs, well within the regulatory limit. The protest petitioner incorrectly claimed that the agency was paid Rs. 1.76 crores. Only about 10.9% of that, roughly Rs. 7 lakhs, was for agency charges, with the rest paid to professionals. The CBI also pointed out inconsistencies in the claim that the agency was not involved in the selection process but also acted as a "manipulation tool." The agency's responsibilities went beyond providing biodatas. It oversaw professionals, managed attendance, handled replacements, disbursed salaries, and addressed disciplinary matters.
- 7.4.** Regarding remuneration, the protest petitioner questioned the rates. The CBI stated the rates were transparently advertised and graded based on qualifications and experience. Since the process was open and fair, pay rates are largely irrelevant. No evidence of favoritism or overpayment was found. The professionals hired were highly qualified, one from IIT,

another from BIT Mesra, seven from SPA Delhi, and others from various institutions. The initial preference for candidates from top institutes was a qualitative decision, not mandated by the NIT, to promote competition. This relaxation was due to a lack of available expertise and urgency, with no fraudulent intent to favor M/s Sony Detectives. Regarding transparency and fairness, the hiring process involved open advertisements with around 200 applications and interviews conducted by a broad-based committee, which counters claims of conspiracy. The selected candidates came from reputed institutions, indicating a fair process. The inquiry to NICSI was a genuine due diligence step. The petitioner suggested no better agency. And NICSI confirmed the unavailability of suitable architects.

- 7.5. Concerning expenditure approval, the creative team served multiple projects, and payments could be allocated accordingly. The charge to “C/o 1000 Mohalla Clinics” was because this project was fully funded and required immediate start. This was an administrative matter, not criminal.
- 7.6. As for approval without Finance Department’s approval, the Principal Secretary (Finance) had delegated authority for projects up to Rs. 5 crores, and the Rs. 3.83 crore expenditure fell within this delegation, as did the powers of the Chief Engineer/Chief Architect per CPWD manual.
- 7.7. The funds were used legitimately, with no misappropriation or mala fide intent.
- 7.8. Allegations that expenditure was shifted between projects or used contingencies without approval were explained by the pooling of

professionals across projects, allowing cost sharing without illegal activity. The shift from “Elevated Corridor for Barapullah Phase-III” to “1000 Mohalla Clinics” was due to full funding and urgency, justified by administrative orders. The orders and corrigendums confirmed that the principal authority was within delegated powers, and the use of contingency funds was permitted as per CPWD manuals.

- 7.9. The total investigation found no criminal activity or wrongful loss to the government, nor any pecuniary benefit to M/s Soni Detectives. No evidence of quid pro quo or conspiracy has emerged, and the acts of public servants do not constitute fraudulent conduct.
- 7.10. The complainant failed to provide any fresh oral, documentary, or electronic evidence to justify further investigation.
- 7.11. The CBI concluded that there is no prosecutable evidence under Section 13(1)(d) of the PC Act, 1988, nor any abuse of power. Sufficient time has elapsed (approx. 6.5 years), and all aspects have been investigated, suggesting the matter needs finality.
8. When CBI could not find any evidence of criminal conspiracy, abuse of power, pecuniary gain, or wrongful loss to the Government Exchequer, and the alleged acts are at most administrative irregularities, no offence under section 13(1)(d) of the PC Act or criminal conspiracy is established. Despite several years of investigation, no incriminating evidence has been found against anyone to support charges under the POC Act, 1988, or any other offence. When the investigating agency has not found any incriminating evidence over such a long period to prove the commission of any offence, particularly under the POC Act, 1988, further proceedings would serve no useful purpose. Not every

decision made in an official capacity that does not strictly follow rules warrants invoking the POC Act. There must be at least some material to justify applying the provisions of the POC Act, 1988. Mere neglect of duty or improper exercise of duty alone may not constitute a violation under the POC Act.

- 8.1.** The unamended Section 13 of the POC Act, which was in effect at the time of the alleged offence in this case, prescribed penalties for 'criminal misconduct' by a public servant. It stated that if a public servant habitually accepts, obtains, or agrees to accept or attempts to obtain gratification other than legal remuneration as a motive or reward; or if a public servant habitually accepts, obtains, agrees to accept, or attempts to obtain any valuable thing without consideration or for inadequate consideration; or if the public servant dishonestly or fraudulently misappropriates or converts for his own use any property entrusted to him or under his control; or if a public servant, through corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or if he or any person on his behalf is in possession, or has been at any time during his office in possession, of pecuniary resources or property disproportionate to his known sources of income, he shall be considered to have committed 'criminal misconduct'.

- 8.2. Since there is no evidence to invoke any of the sub-clauses under Sub-Section 1 of Section 13 of the POC Act 1988, it does not apply in this case.
- 8.3. There is no material whatsoever even to suggest a criminal conspiracy.
- 8.4. There is no evidence to support those provisions or to invoke jurisdiction under any of them. The allegations, as presented, and the factual background are not sufficient to warrant further investigation or to initiate proceedings. The law clearly states that suspicion cannot replace proof. It is also worth noting that, even to charge someone, mere suspicion is not enough; at least strong suspicion would be necessary to proceed.
- 8.5. In the case of *C. Chenga Reddy & Ors. Vs. State of A. P., AIR 1996 Supreme Court 3390*, the Hon'ble Supreme Court observed that the entire case relied on circumstantial evidence, and there was no direct evidence on record linking the public servants to the crime, such as payments made for various amounts without work being done. It was held that, at most, the evidence showed violations of Codal provisions and disregard for departmental instructions and circulars regarding contractor nominations and work allocation. These lapses, at best, made those public officers liable for departmental punishment but not for criminal offence. The court further held that the circumstances proved in that case were not such that they could only be consistent with guilt or incompatible with innocence.
- 8.6. In *Abdulla Mohd. Pagarkar v. State, (1980) 3 SCC 110* it is observed as follows;

“20. The mind of the learned Special Judge in coming to the finding about the value of the work done being no more than Rs 32,287.75 appears to have been influenced by the gross irregularities committed by the appellants in the execution of the work, specially their failure to prepare vouchers relating to all the payments as also a proper muster roll. These irregularities no doubt furnish a circumstance giving rise to a strong suspicion in regard to the bona fides of the appellants in the matter of the execution of the work but suspicion, however strong, cannot be a substitute for proof. And it is certainly not permissible to place the burden of proof of innocence on the person accused of a criminal charge. However, that is precisely what the Special Judge appears to have done while observing that “it was for A-2 to prove that he had spent amounts besides those proved by the prosecution which A-2 had failed to do.”

.....
 24. Learned counsel for the State sought to buttress the evidence which we have just above discussed with the findings recorded by the learned Special Judge and detailed as Items (a) to (e) in para 9 and Items (i) and (iii) in para 10 of this judgment. Those findings were affirmed by the learned Judicial Commissioner and we are clearly of the opinion, for reasons which need not be restated here, that they were correctly arrived at. But those findings merely make out that the appellants proceeded to execute the work in flagrant disregard of the relevant rules of the G.F.R. and even of ordinary norms of procedural behaviour of government officials and contractors in the matter of execution of works undertaken by the Government. Such disregard however has not been shown to us to amount to any of the offences of which the appellants have been convicted. The said findings no doubt make the suspicion to which we have above adverted still stronger but that is where the matter rests and it cannot be said that any of the ingredients of the charge have been made out.”

- 8.7.** Similarly, in the case of *Union of India & Anr. Vs. Major J. S. Khanna & Anr. (1972) 3 SCC 873*, the Hon'ble Supreme Court held that merely because the procedure used by the officers was not strictly in accordance with prescribed rules for purchases, it does not automatically imply fraud or any other criminal activity. Even if gross negligence was proven, it cannot be concluded that the negligence was driven by criminal intent.

- 8.8. In the case of *J. Siri. Ram Surya Prakash Sharma Vs. State of A. P. 2011 Crl. Law Journal 2027*, while addressing a quashing petition, the Hon'ble Andhra Pradesh High Court ruled that the allegations of procedural lapses in the discharge of official duties by bank officials and the nature of the allegations in the charge sheet, prima facie, did not amount to any offence.
9. The precedents relied upon by the complainant/protest petitioner are distinguishable on the facts and do not help in the facts of the present case.
10. In the facts and circumstances mentioned above, in the absence of any evidence and sanction, the present final report for closure of the FIR is accepted.
11. It goes without saying that if any fresh material is received against anyone, the investigating agency would be at liberty to investigate the matter further and take appropriate action. The file be consigned to the record room.

*Announced in the open Court
on the 4th day of August, 2025.*

(Dig Vinay Singh)
Special Judge: (PC Act), (CBI)-09
MPs/MLAs Cases/RADC
Delhi / 04.08.2025 (m)