

Section 197 CrPC Sanction Is Not Needed Before FIR or Investigation: Supreme Court Explains Section 156(3)

India's Supreme Court held in *Sri Anumandala Rajesh Reddy v State of Karnataka* (2026 INSC 1039) that sanction under Section 197 CrPC operates at cognizance, not at the FIR or Section 156(3) investigation stage.

Sri Anumandala Rajesh Reddy v State of Karnataka | 2026 INSC 1039

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The Court drew a line between investigation and cognizance

A complaint alleges that police officers helped others use an arrest to force a businessman out of his company and interfere with his digital records. Can an FIR be registered and investigated without prior sanction to prosecute the officers? And must the complainant's earlier approaches to police follow an exact chain of command before a Magistrate can order investigation?

The Supreme Court of India answered both questions in *Sri Anumandala Rajesh Reddy v State of Karnataka* and another, 2026 INSC 1039. Justice Sandeep Mehta wrote the judgment for a bench with Justice Vikram Nath. It was decided on 24 August 2026 in five connected appeals arising from SLP (Criminal) Nos. 1137, 1751, 1138, 1139 and 4550 of 2025.

Section 197 of the Code of Criminal Procedure, 1973 (CrPC), bars a court from taking cognizance of certain offences alleged against qualifying public servants in connection with official duty without previous sanction. The Supreme Court held that the bar does not prevent registration of an FIR, police investigation or a Magistrate's pre-cognizance direction to investigate under Section 156(3). The question of sanction may arise later when a court is asked to take cognizance, if the statutory conditions are met.

The Court also rejected the Karnataka High Court's conclusion that the complainant had bypassed the police before approaching the Magistrate. He had made repeated attempts, including complaints to senior officers. On these facts, his sending a later representation to the DGP rather than specifically to the SP was not a fatal defect.

The complaint and the quashed FIR

Rajesh Reddy described a breakdown in business relations surrounding a healthcare venture. He alleged that police officers, acting with private persons, located him, seized his devices, interfered with data and pressured him while in custody to sign documents relinquishing interests in the business. These were allegations requiring investigation; the Supreme Court did not find that any respondent committed those acts.

The complaint had a complicated history. A separate police case against Reddy, Crime No. 102 of 2020, was later investigated by the CID, which submitted a B-Report stating, among other things, that the underlying transaction was civil and that the alleged offences lacked evidence. Reddy maintained a different grievance against officers and private individuals for what he said happened during his arrest and custody.

When his approaches to the police brought no action on that grievance, he emailed a complaint to a Deputy Commissioner of Police in December 2020, copying other authorities, and later sent another complaint to the Director General and Inspector General of Police in November 2021. He then filed a private complaint before a Magistrate. On 1 August 2022, the Magistrate sent it to the police for investigation under Section 156(3) CrPC; Crime No. 73 of 2022 was registered.

The Karnataka High Court quashed the proceedings against the police respondents named as accused No. 4 and Nos. 8 to 11. It gave two main reasons: lack of sanction under Section 197 CrPC and non-compliance with the prior-police-complaint safeguards discussed in *Priyanka Srivastava v State of Uttar Pradesh*, (2015) 6 SCC 287. Reddy appealed.

Why sanction did not block the FIR

The wording of Section 197 is crucial. It restrains a court from taking cognizance in a qualifying case without prior sanction; it does not say that no one may register an FIR or investigate an allegation. A Magistrate acting under Section 156(3) orders investigation before taking cognizance. Treating that direction as cognizance would move the statutory protection to a stage the provision does not govern.

At paragraphs 26 to 28, the Supreme Court held that absence of sanction could not support the High Court's order stopping the FIR and investigation. It drew on *Ashwini Kumar Upadhyay v Union of India*, 2026 SCC OnLine SC 741, which in turn discussed earlier authority on the distinction between investigation and cognizance. The sequence matters: receive the complaint, investigate, submit the police report, and then assess whether sanction is needed before the court takes cognizance.

That is not a finding that these officers can never claim statutory protection. Section 197 has conditions, including the status of the public servant and a relationship between the alleged act and official duty. The Supreme Court expressly left the desirability of seeking sanction for consideration by the investigating officer if offences are found to be made out and the alleged acts are concluded to have been performed in the discharge of official duties. The Court did not decide that later question in advance.

Prior complaints: purpose before form

Priyanka Srivastava requires care when invoking Section 156(3). A complainant should first approach the police through the statutory route, place the earlier efforts before the Magistrate and support the application by an affidavit. These safeguards aim to deter casual or malicious attempts to use a court order to initiate criminal proceedings.

The High Court treated Reddy's failure to address a representation specifically to the Superintendent of Police under Section 154(3) as fatal. The Supreme Court looked at the record instead. He had approached local officers; his complaint concerned some of those officers; he then went to higher authorities, including the DCP and DGP. It was therefore inaccurate to say that he had gone directly to the Magistrate without first giving the police an opportunity to act.

The Supreme Court did not abolish the *Priyanka Srivastava* safeguards. Its point was narrower: on this record, their purpose had substantially been met, and requiring one more representation to an SP as a matter of form would ignore the particular difficulty of complaining against the local police themselves. A complainant with no evidence of prior approaches cannot assume the same result.

What happens to the investigation now

The Supreme Court allowed the five appeals and set aside the High Court's quashing order. After the High Court decision, the investigating agency had filed a final report closing the proceedings against the five respondents solely because the case against them had been quashed. The Supreme Court directed that report to be reopened and the investigation to resume from the stage at which the report was submitted, in accordance with law.

This is a restoration of investigation, not a direction to arrest anyone, file a charge sheet or convict anyone. The Court noted that the final report described the dispute involving other accused as

essentially civil and found no supporting evidence against them. Its operative direction addresses the effect of the quashing order on the investigation concerning the respondents before it.

The practical distinction

- If a Magistrate merely directs registration of an FIR and investigation under Section 156(3) CrPC, identify that as a pre-cognizance order. Section 197 cannot be invoked simply to prevent that investigation.
- At a later cognizance stage, examine whether the accused is within Section 197 and whether the alleged act has the required connection with official duty. The answer must be based on the developed record.
- A complainant seeking a Section 156(3) order should keep copies and proof of earlier complaints to police and senior officers, explain any departure from the ordinary Section 154 route and comply with the affidavit safeguard.
- Neither the registration of an FIR nor this Supreme Court ruling proves that the allegations are true. Investigation must test them.

This is a judgment on India's CrPC, with the Court noting the corresponding Section 218 of the BNSS. It does not directly decide the different text or practice of Pakistan's criminal procedure law.

Independent legal commentary for general information. Read the complete judgment and later treatment before relying on it in a live case.

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Supreme Court of India: [Sri Anumandala Rajesh Reddy v State of Karnataka \(site download\)](#)