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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010326242021

+ **W.P.(CRL) 2075/2021**

SH. GHAZANFAR ALI

.....Petitioner

Through: Mr. Rajneesh Sharma, Mr. Muneeb Ahmed Khan, Mr. Parv K. Garg, Mr. Parwez Akhtar, Md. Osama, Mr. Abdul Ahad & Mr. Harsh Kumar Singh, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for State.
Mr. Pritish Sabharwal, Standing Counsel for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **19.08.2026**

1. Present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of FIR No.43/2005 registered at Police Station Anti Corruption Branch, GNCT of Delhi for offences punishable under Section 13(2) read with Section 13(1)(c) of the Prevention of Corruption Act, 1988 and Sections 420/468/471/120-B of the Indian Penal Code, 1860, against the petitioner and two others.

2. As per the case set up by the prosecution, information was received



from the Vigilance Department of the erstwhile Municipal Corporation of Delhi ('MCD') *vide* letter No. A.C.(Vig)-III/SS/04/368 dated 15.01.2004, referring for enquiry and verification 45 muster rolls pertaining to the desilting work of nallahs/drains in the West Zone of MCD, executed during the period March, 2002 to June, 2002. Upon enquiry, it emerged that the petitioner, then working as Junior Engineer (Civil), had engaged 70 labourers/beldars against the said 45 muster rolls, involving a total wage disbursement of Rs.16,49,057/-.

3. Sample verification of a few labourers revealed that some of them, upon being contacted, disputed having received wages for the entire period reflected in the muster rolls and denied having affixed their signatures/thumb impressions thereon. It was alleged that the muster rolls in question were prepared and signed by the petitioner, while the desilting work itself was carried out under the supervision and recommendation for payment of Sh. M.K. Gupta, Assistant Engineer, and Sh. S.S. Negi, Executive Engineer, both of CSE, West Zone, MCD. Acting on the aforesaid material, FIR No.43/2005 came to be registered on 11.10.2005 alleging criminal conspiracy to misappropriate government funds and to cheat the MCD by forging documents and using the same as genuine.

4. It is the case of the petitioner that in terms of the circular dated 15.02.2002 then governing engagement of labour, workers were to be arranged from the open market without insistence on identity proof, and that the requirement of conclusive proof of residence prior to disbursement of wages was introduced only *vide* a subsequent circular dated 25.09.2002, i.e., after the desilting work in question already stood completed in June, 2002.

5. It is further submitted that in terms of Circular No. ADC(V)-



Vig/2003/229 dated 14.01.2003, disbursement of wages to the labourers was to be made exclusively by officials of the Vigilance Department in the presence of an independent observer, and that the amount earmarked for wages stood credited to the account of the Executive Engineer and was thereafter withdrawn and disbursed by the Cashier, MCD. On this basis, it is contended that the role of the petitioner, as Junior Engineer, was confined to the marking of attendance of workers in the muster rolls in terms of para 9.5 of the CPWD Manual, and that he had no role either in verification of identity of the labourers or in actual disbursement of wages to them.

6. It further appears from the record that the first sanction for prosecution of the petitioner was accorded on 30.07.2008 by respondent No.3. Pursuant thereto, the petitioner was arrested on 10.09.2008 and was enlarged on bail on 16.09.2008. Despite sanction having been granted as far back as in the year 2008, the investigation did not culminate in a chargesheet for over a decade thereafter, compelling the petitioner to approach this Court by way of the present petition in the year 2021, seeking quashing of the FIR essentially on the ground of delay.

7. It is during the pendency of the present petition that a second sanction came to be accorded on 24.12.2021, followed by the chargesheet dated 31.01.2022 and a supplementary chargesheet dated 28.02.2022, both filed before the Special Judge, PC Act, Rouse Avenue Courts, New Delhi. As per the status report filed on behalf of the State, investigation revealed varying categories of discrepancies amongst the labourers examined; certain workers denied having worked at all despite their names figuring in the muster rolls, others claimed non-receipt of wages despite having worked, and a further set alleged that their wages had been withdrawn by forging their



signatures/thumb impressions.

8. It is stated that the specimen signatures of the concerned officials were sent for opinion to the Forensic Science Laboratory, and the thumb impression of one of the beldars was referred to and confirmed as forged by the Finger Print Bureau. It, however, remains undisputed on the record that the total amount alleged to have been misappropriated is a sum of Rs.30,622/-, out of the total wage disbursement of Rs.16,49,057/- reflected in the 45 muster rolls.

9. Learned counsel for the petitioner submits that despite the FIR having been registered as far back as in the year 2005, for an occurrence relating back to the year 2002, and despite the first sanction for prosecution having been granted way back in 2008, the chargesheet came to be filed only in the year 2022, i.e., after a gap of nearly 17 years from registration of the FIR and nearly 20 years from the date of the alleged occurrence. It is submitted that no explanation whatsoever has been placed on record by the prosecution to account for the inordinate delay, particularly for the long interregnum between the grant of the first sanction in 2008 and the institution of the present petition in 2021, during which period the investigation remained wholly dormant.

10. It is further submitted that the petitioner has, on account of the pendency of the present case, been denied promotion to the post of Assistant Engineer (Civil), despite several of his juniors having been so promoted, and that continuation of the prosecution at this belated stage, for an alleged misappropriation of a modest sum of Rs.30,622/-, would occasion grave prejudice and would amount to a violation of his right to a speedy trial guaranteed under Article 21 of the Constitution of India. In support of the



aforesaid submissions, learned counsel for the petitioner has placed reliance on the decisions of this Court in ***S.K. Mittal v. Central Bureau of Investigation***¹ and ***Dr. Sarbesh Bhattacharjee v. State (NCT of Delhi)***², as also on the decisions of the Supreme Court in ***Abdul Rehman Antulay v. R.S. Nayak***³, ***Mahendra Lal Das v. State of Bihar***⁴, ***Pankaj Kumar v. State of Maharashtra***⁵ and ***Vakil Prasad Singh v. State of Bihar***⁶.

11. Per contra, learned ASC for the State, relying upon the status report, submits that the investigation in the present case has not been without result, inasmuch as it has since culminated in a chargesheet and a supplementary chargesheet against the petitioner, supported by forensic material, including a report of the Forensic Science Laboratory qua specimen signatures of the officials concerned and a report of the Finger Print Bureau confirming forgery of a beldar's thumb impression. It is submitted that a part of the delay is attributable to the process of obtaining sanction for prosecution, which is itself a statutorily contemplated safeguard for a public servant, and that mere delay, dehors any demonstrable prejudice, cannot by itself be a ground to non-suit the prosecution, more particularly in matters involving allegations of corruption against public servants, where larger public interest is involved.

12. It is further urged that the grant of sanction in December, 2021, promptly followed by the chargesheet in January, 2022 and the supplementary chargesheet in February, 2022, demonstrates that the

¹ (2007) 98 DRJ 238.

² (2022) 295 DLT 249.

³ (1992) 1 SCC 225.

⁴ (2002) 1 SCC 149.

⁵ (2008) 16 SCC 117.

⁶ (2009) 3 SCC 355.



investigation was diligently concluded once revived, and that this Court, at this stage, ought not to pre-empt the appreciation of the material now placed before the Trial Court.

13. The Court finds that in **Abdul Rehman Antulay** (supra) the Supreme Court, speaking through a Constitution Bench, held that the right to a speedy trial in all criminal prosecutions is an inalienable right under Article 21 of the Constitution of India, applicable not only to the actual proceedings in Court but also extending to the stage of police investigation preceding it. The relevant propositions culled out by the Supreme Court read as under:

“86. ... (1) Fair, just and reasonable procedure implicit in Article 21 of the Constitution creates a right in the accused to be tried speedily. Right to speedy trial is the right of the accused. The fact that a speedy trial is also in public interest or that it serves the social interest also, does not make it any the less the right of the accused. It is in the interest of all concerned that the guilt or innocence of the accused is determined as quickly as possible in the circumstances. (2) Right to speedy trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial. That is how, this Court has understood this right and there is no reason to take a restricted view. (3) The concerns underlying the right to speedy trial from the point of view of the accused are: (a) the period of remand and pre-conviction detention should be as short as possible ...;

1. In **Vakil Prasad Singh** (supra) the Supreme Court, considering the question of quashing of criminal proceedings on the ground of delay, reiterated that:

“...speedy investigation and trial, both are enshrined in Cr.P.C. The right to speedy trial is guaranteed under Article 21 and the same is applicable not only to actual proceedings in court but also includes within its sweep the preceding police investigations as well.”

2. The Supreme Court, in the facts of that case, was persuaded to quash proceedings pending for nearly two decades, holding that unexplained and uncertain delay attributable to the prosecuting agency, including protracted



uncertainty over the requirement of sanction, could not be visited upon the accused, and that continuation of such proceedings would amount to an abuse of the process of the Court.

3. Similarly, in ***Mahendra Lal Das*** (supra) the case of an Executive Engineer against whom an FIR under the Prevention of Corruption Act, 1947 had been registered alleging possession of disproportionate assets, the Supreme Court was confronted with a situation where, despite completion of investigation, sanction for prosecution remained pending for over twelve years, without any prosecution having been launched. Holding that the mere fact of the appellant being on anticipatory bail did not, by itself, negate the prejudice occasioned by such protracted inaction, the Supreme Court set aside the order of the High Court declining to quash the proceedings, and quashed the FIR on the sole ground of the said unexplained and inordinate delay, notwithstanding the seriousness of the allegations of corruption levelled against a public servant.

4. In ***Pankaj Kumar*** (supra) reiterating the guidelines in ***Antulay*** (supra), the Supreme Court held that:

“Where the court comes to the conclusion that the right to speedy trial of an accused has been infringed, the charges or the conviction, as the case may be, may be quashed unless the court feels that having regard to the nature of offence and other relevant circumstances, quashing of proceedings may not be in the interest of justice. In such a situation, it is open to the court to make an appropriate order as it may deem just and equitable including fixation of time for conclusion of trial.”

5. Of particular relevance is the decision of this Court in ***Dr. Sarbesh Bhattacharjee*** (supra) where, on facts closely analogous to the present case, FIRs registered by the Anti-Corruption Branch in the years 2012 and 2013 against a public servant were quashed on the ground of an unexplained delay



of ten years in completion of investigation, coupled with the chargesheet remaining pending sanction. This Court observed that:

“What weighs with me is not only the fact that the chargesheet is still awaiting sanction before the competent authority but also the inordinate and unexplained delay in conducting the investigation for 10 long years ... The sword has been hanging on the head of the petitioner for no fault of his.”

6. The said decision proceeds on the principle that an investigation permitted to languish for years together, without explanation, casts a continuing cloud over the accused that is, in itself, constitutionally impermissible, irrespective of whether the investigating agency eventually succeeds in placing some material on record.

7. In the case of **S.K. Mittal** (supra) the Court in paragraph 12 has extracted various judicial pronouncements where on account of delay prosecution has been quashed. Paragraph 12 of the said decision is extracted as under:

“12. There are plethora of judicial pronouncements where on account of delay prosecution has been quashed, some of them are being indexed below:-

S. No	Name of Case Law	Offence	Stage	Delay
1.	Rakesh Saxena Vs. State: 1986 (Suppl) SCC 505	FERA	Charge	6 years
2.	Sri Nivas Gopal Vs. U.T. Of Arunachal Pradesh: 1988 (Suppl.) SCC 458	304A IPC	Charge	10 years
3.	T.J.Stephen Vs. Parle Bottling Co. 1988 (Suppl.) SCC 458	Sec.5 Import & Export Control Act	Charge	26 years
4.	Moti Lal Saraf Vs. State of J & K: (2006) 10 SCC 560	Prevention of Corruption Act	P.E.	26 years
5.	Mahender Lal Das Vs. State of Bihar:	Prevention of Corruption	Pre-charge	12 years



S. No	Name of Case Law	Offence	Stage	Delay
	2002(1) SCC 149	Act		
6.	Ramanand Chaudhary Vs. State of Bihar: 2002 (1) SCC 153	P.C. Act	Charge	11 years
7.	Bishwanath Prasad Vs. State of Bihar: 1994 CrI.L.J. 242 (SC)	P.C. Act	Charge	16 years
8.	S.G. Nain Vs. UOI: 1995 (Suppl.) (4) SCC 552	P.C. Act	Charge	14 years
9.	Mansukh Lal JT 1997 (7) SC 697	P.C. Act	Charge	14 years

14. Applying the aforesaid legal position to the facts of the present case, this Court finds that the sanction for prosecution of the petitioner was accorded as far back as on 30.07.2008. Notwithstanding the grant of such sanction, and despite the petitioner having furnished his reply to the notice under Section 160 Cr.P.C. issued to him on 20.05.2015, the investigating agency allowed the matter to remain dormant for over thirteen years thereafter, without any explanation whatsoever for such inaction. It was only upon the petitioner being constrained to approach this Court in the year 2021 that the investigation was revived, culminating in a fresh sanction on 24.12.2021 and the chargesheet on 31.01.2022.

15. The submission of learned ASC that this subsequent diligence cures the infirmity does not commend itself to this Court. The constitutional violation, once it has occurred on account of over a decade of unexplained inaction, is not retrospectively cured merely because the prosecuting agency chose to act with alacrity after being put to notice of the pendency of a quashing petition.



16. This Court is also unable to accept the submission of the State that the forensic material referred to in the status report, namely, the report of the Forensic Science Laboratory and that of the Finger Print Bureau, by itself justifies continuation of the prosecution notwithstanding the delay. The existence of some incriminating material does not, answer the question posed by Article 21, which is whether the accused has been subjected to an investigation and prosecution conducted within a reasonable time. Nor is it in dispute that the quantum of embezzlement alleged against the petitioner is a modest sum of Rs.30,622/-, out of a total wage disbursement of Rs.16,49,057/-, and that the petitioner's own case, on the strength of the governing circulars, is that actual disbursement of wages was a function assigned to the officials of the Vigilance Department and the Cashier, MCD, and not to the petitioner, whose role was confined to the marking of attendance in the muster rolls.

17. These circumstances, considered cumulatively with the fact that the petitioner has been kept out of promotion on account of the pendency of the present case for well over a decade, satisfy this Court that the right of the petitioner to a speedy investigation and trial, guaranteed under Article 21 of the Constitution of India, stands infringed.

18. It is clarified that the observations made hereinabove are confined solely to the case of the petitioner, Sh. Ghazanfar Ali, and shall have no bearing on the proceedings pending against the co-accused, Sh. M.K. Gupta and Sh. S.S. Negi, *qua* whom sanction is stated to be awaited. Nothing in this order shall be construed as an expression of opinion on the merits of the case *qua* the said co-accused.

19. Bearing in mind the aforesaid legal position, and in the absence of any



plausible explanation for the delay, this Court is satisfied that, insofar as the petitioner is concerned, the right to a speedy trial guaranteed under Article 21 of the Constitution of India stands infringed. The petitioner has been suffering the pendency of the present prosecution for more than 21 years, for an alleged embezzlement of a modest sum of Rs.30,622/-, and the said delay in investigation and in filing of the chargesheet is not shown to be attributable to the petitioner in any manner whatsoever.

8. Bearing in mind the overall facts and circumstances of the case, the impugned prosecution against the petitioner stands quashed.

9. The present petition stands allowed in the above terms, along with pending application(s), if any.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 19, 2026

Ab/as