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

\+ W.P.(CRL) 1672/2023, CRL.M.A. 15535/2023 & CRL.M.A. 34279/2023

DEEPAINDRA KUMAR .....Petitioner

Through: Mr. Arundhati Katju, Senior Advocate along with Mr. ACI Chaudhary and Mr. Shristi Borthakur along with Petitioner in person.

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STATE (NCT OF DELHI) .....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for the State along with Insp. Pramod Gupta, PS. Anti-Corruption Branch.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% 26.08.2025

1. The Present Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (formerly Section 482 Code of Criminal Procedure, 1973[2]) seeks quashing of FIR No. 03/2012, registered on 31st January, 2012 at P.S. Anti-Corruption Branch (ACB), under Sections 7/13 Prevention of Corruption Act, 1988,[3] together will all proceedings emanating therefrom.

2. The case of the prosecution, in brief, is as follows:

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[1] "BNSS"
[2] "Cr.P.C."
[3] "PC Act"

2.1. On 31st January, 2012, FIR No. 03/2012 was registered against the Petitioner at P.S. Anti-Corruption Branch. This case originated from a complaint lodged by a builder. He alleged that one Dinesh Jain informed him that a case was pending against him in the Income Tax Office. Mr. Jain, who was acquainted with the Petitioner, offered to have the matter "settled." He then introduced the complainant to the Petitioner, who allegedly demanded INR 6 lakhs for ensuring the complaint would be closed. On 30th January, 2012, the demand was reduced to INR 2 lakhs.

2.2. On the following day, the Petitioner is stated to have called the complainant to Jain's office at about 5:00 p.m. for delivery of the agreed amount. A trap was laid, during which the Petitioner was apprehended while allegedly demanding and receiving the sum of INR 2 lakhs. The money was recovered from the drawer of Jain's office desk. Handwash and drawer-wash tests using phenolphthalein powder were carried out, allegedly confirming the recovery.

2.3. The FIR was then formally registered and the Petitioner arrested and the investigation commenced. Sanction for prosecution was accorded on 1st May, 2015. Subsequently, a chargesheet was filed and by order dated 13th October, 2023, the Petitioner was summoned to face trial.

3. The Petitioner assails the impugned FIR primarily on the ground of inordinate and unexplained delay in the investigation, which, it is contended, violates the fundamental right to a speedy investigation and trial under Article 21 of the Constitution of India. Ms. Arundhati Katju, Senior Counsel for the Petitioner, submits that the protracted and lethargic conduct of the investigating agency renders the continuance of the proceedings oppressive and unsustainable. Her submissions may be summarised as follows:

3.1. The FIR was registered on 31st January, 2012. Sanction for prosecution was accorded on 1st May, 2015. Yet, despite the availability of sanction at such an early stage, no chargesheet was filed for over eleven and a half years. This extraordinary delay speaks for itself and reflects a complete failure of diligence on the part of the investigating agency.

3.2. The delay cannot be attributed to the Petitioner. On the contrary, he has cooperated with the authorities whenever called upon, though such occasions were sporadic and infrequent. The Petitioner cannot, therefore, be made to suffer the consequences of investigative apathy for which he bears no responsibility.

3.3. The prolonged pendency of investigation has, caused irreparable prejudice. Professionally, the Petitioner has been kept under suspension, denied increments, grade pay, and promotional avenues. He has lived under the stigma of unresolved allegations for more than a decade, enduring litigation and the associated social disgrace, all without the filing of a chargesheet that could test the allegations in court in a time bound manner.

3.4. The unexplained lapse of over eleven years in completing the investigation and filing the chargesheet constitutes a valid and independent ground for quashing. Continuance of proceedings after such an unreasonable delay, amounts to an abuse of process of law and an affront to the guarantee of fair trial under Article 21. Reliance is placed on ***Dr. Sarbesh Bhattacharjee v State NCT of Delhi***,[4] where this Court, confronted with similar delay by the Anti-Corruption Branch[5], quashed the proceedings on the ground that the right to a speedy trial had been violated due to the delay

[4] 2022 SCC OnLine Del 3365

[5] "ACB"

in filing of the chargesheet. Reliance is further placed on ***Mahendra Lal Das v. State of Bihar,***[6] where despite sanction, proceedings were quashed as the authorities had allowed over twelve years to elapse without meaningful progress, reflecting their own lack of conviction in the case. Similarly, in ***Pankaj Kumar v. State of Maharashtra,***[7] the Supreme Court reiterated that the right to speedy trial extends to the stage of investigation and held that inordinate delay, absent cogent explanation, itself constitutes prejudice sufficient to quash the prosecution. Read together, these authorities establish that unexplained investigative delay of over a decade, as in the present case, irreparably undermines the Petitioner's fundamental right under Article 21 and renders the continuance of proceedings oppressive and unsustainable.

3.5. The eventual filing of a chargesheet in 2023, after more than a decade of delay, does not wipe out the violation. The prejudice caused to the Petitioner in the intervening period is incurably ingrained and cannot be retrospectively cured.

3.6. This case is symptomatic of a deeper systemic infirmity. Reference is made to the order dated 20th December, 2021 in W.P. (Crl.) 781/2021 and connected matters, where this Court recorded its concern over the persistent delays of the ACB in completing investigations. Further reliance is placed on a press release dated 2nd March, 2022, issued by the Lieutenant Governor of Delhi, publicly acknowledging procedural lapses and systemic delay within the ACB. These materials underscore that the prejudice suffered by the Petitioner is not accidental but part of a wider pattern of institutional indifference.

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[6] (2002) 1 SCC 149
[7] (2008) 16 SCC 117

4. Mr. Yasir Rauf Ansari, Additional Standing Counsel for the State, opposes the petition and submits that the grounds urged on behalf of the Petitioner are untenable. His submissions, in substance, are as follow:

4.1. While concededly that there has been considerable delay in the investigation; however, the same stands duly explained in the status report dated 24th March, 2025. The delay is attributed to multiple factors, including the time taken to secure relevant information from the Income Tax Department, and the disruption caused by the COVID-19 pandemic, during which routine investigative work was significantly hampered.

4.2. Now that the chargesheet has been filed, the prosecution must be allowed to proceed. The allegations, it is emphasised, relate to corruption involving a public servant in the Income Tax Department and, by their very nature, are serious. The public interest in prosecuting such offences outweighs the delay that has occurred.

4.3. Mere delay in filing a chargesheet does not, by itself, justify quashing of proceedings. For such relief, the Petitioner must demonstrate actual prejudice of a kind that compromises the fairness of trial, which has not been established.

4.4. The precedents relied upon by the Petitioner are distinguishable on facts.

5. The Court has carefully considered the rival submissions. The delay in filing the chargesheet is undeniable; the question is whether the explanation tendered can justify such prolongation. The investigating agency, in its status report dated 24th March, 2025, seeks to attribute the delay to various investigative steps. Perusal of the status report reveals that the investigation spanned an unusually long period. The prosecution took

steps consistently, albeit at intervals, from the date of registration of the FIR until the filing of the chargesheet on 2nd August, 2023. The chronology reflects that the matter involved multiple facets, including recovery of electronic evidence, correspondence with the Income Tax Department, obtaining sanction for prosecution, securing call detail records from different service providers, and recording of voice samples. The report also shows that significant delay arose on account of procedural exchanges between the investigating agency and the Prosecution Branch, with draft chargesheets being repeatedly returned for clarification. In addition, efforts to obtain and verify voice samples of the accused and witnesses consumed considerable time. It further emerges that during the years 2020-2022, progress was hindered by the outbreak of the COVID-19 pandemic and medical difficulties of certain witnesses, which delayed the recording of samples and the issuance of FSL reports.

6. While some notings reflect administrative lapses, such as periods when the file could not be taken up promptly, these are not of such magnitude as to suggest deliberate inaction or mala fides. The overall picture is that the investigation, though protracted, continued to move forward through different stages and eventually culminated in the filing of the chargesheet.

7. Courts have repeatedly held that delay by itself does not furnish a ground to quash proceedings unless it demonstrably causes prejudice so grave as to vitiate the fairness of trial. The explanation offered, citing inter-agency correspondence, repeated scrutiny of draft chargesheets, witness unavailability, and pandemic disruption, cannot be characterised as wholly unjustified or as reflective of lapses in investigation.

8. More significantly, the offences alleged against the Petitioner are under the PC Act which pertain to demand and acceptance of illegal gratification by a public servant. Such offences are grave in nature and strike at the very foundation of probity in public life. The element of public interest in ensuring that allegations of corruption are tested at trial weighs heavily against terminating the proceedings at the threshold.

9. Further, Section 468 of the Code of Criminal Procedure which deals with the bar of limitation for taking cognisance, its legislative scheme is instructive. The offences alleged against the Petitioner fall under the Prevention of Corruption Act, which pertain to demand and acceptance of illegal gratification by a public servant, entailing punishment under Section 7, which prescribes imprisonment of not less than three years but which may extend to seven years, and under Section 13(2), which prescribes imprisonment of not less than four years but which may extend to ten years, along with fine. Parliament, in its wisdom, has consciously excluded serious offences punishable with imprisonment exceeding three years from the ambit of limitation under Section 468. The object of prescribing limitation was to protect against stale prosecutions in petty offences, while at the same time ensuring that serious crimes remain prosecutable regardless of time. This legislative scheme underscores that the mere passage of time, by itself, cannot justify quashing a prosecution under the Prevention of Corruption Act.

10. Thus, while the delay is substantial and regrettable, the Court is not persuaded that it infringes the Petitioner's right to a fair and speedy trial under Article 21 in a manner warranting the extraordinary relief of quashing the FIR. The fact that the chargesheet has now been filed and the matter is

ripe for trial further tilts the balance in favour of allowing the prosecution to proceed.

11. In ***Vakil Prasad Singh v. State of Bihar***[8], Supreme Court held that the test is whether the delay has caused such prejudice to the accused as to render the trial unfair or oppressive. Unless such prejudice is established, the proceedings cannot be quashed solely on the ground of delay. Crucially, the Court observed that not every lapse of time results in prejudice to the accused. In certain situations, delay may even operate to the accused's advantage. It is only where the delay is so prolonged and unexplained that it becomes oppressive that prejudice may be presumed.

12. In the present case, no material has been placed to suggest that the Petitioner's defence has been impaired or that crucial evidence has been lost. The trap proceedings were carried out contemporaneously, the recovery was effected, and the forensic tests were duly conducted. The documentary and electronic evidence relied upon by the prosecution remains available, and the witnesses, though examined belatedly, have not been shown to be unavailable for trial. The prejudice urged by the Petitioner is in the nature of suspension from service and denial of promotions. While such consequences are undoubtedly adverse, they are collateral to the prosecution and cannot, in law, justify stifling the trial itself.

13. The jurisprudence on Article 21 recognises that the right to a speedy trial is an inalienable component of Article 21. This right is not confined to the actual proceedings before court but extends equally to the stage of investigation. Where this right is found to have been infringed, the natural consequence would be to quash the proceedings or set aside the conviction,

as the case may be. However, as the Supreme Court held in ***Abdul Rehman Antulay & Ors. v. R.S. Nayak & Anr.***,[9] this is not the only course available. It was held that having regard to the nature of the offence and the surrounding circumstances, it may not be in the interest of justice to terminate the proceedings altogether. In such cases, the Court is at liberty to issue appropriate directions, including fixing a time-frame for completion of the trial, so as to balance the rights of the accused with the imperative of ensuring that serious offences do not go untried.

14. Viewed thus, the delay, though regrettable, has not translated into any apparent denial of a fair trial. The right under Article 21 to a speedy trial has to be balanced against the equally compelling public interest in prosecuting corruption by public servants. On this balance, the case does not warrant the extraordinary relief of quashing the proceedings. In such circumstances, to quash the proceedings would be to allow serious charges of corruption to be defeated not on merits but by lapse of time. The more appropriate course, therefore, is to direct that the trial now proceed with expedition and be brought to conclusion within a reasonable, fixed period.

15. The reliance placed by Ms. Katju on ***Dr. Sarbesh Bhattacharjee*** is misplaced. That decision turned on its own peculiar facts. In ***Bhattacharjee***, the FIRs were registered nearly two years after the alleged incidents and several months after the complaints had been received. Multiple FIRs were lodged on the same day, all springing from a common inquiry. More important, even after the passage of over a decade, no chargesheet had been filed and the delay remained wholly unexplained. In those circumstances,

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[8] (2009) 3 SCC 355
[9] (1992) 1 SCC 225

the Court was persuaded to quash the proceedings. That judgment cannot be read as laying down a blanket rule that every delay in filing of a chargesheet ipso facto mandates quashing. The governing principle is that each case must be assessed on its own facts to determine whether the delay has resulted in a denial of the right to a speedy trial so grave as to vitiate the prosecution itself. In the present case, the FIR was registered contemporaneously with the trap proceedings on 31st January, 2012. While the subsequent investigation has undoubtedly taken an unduly long time, the record discloses identifiable and specific reasons for the delay, including inter-departmental correspondence, repeated scrutiny of draft chargesheets, the process of securing and verifying voice samples, and the disruptions occasioned by the COVID-19 pandemic. The situation here is thus materially distinct from ***Bhattacharjee***, and does not warrant termination of proceedings at the threshold.

16. The reliance placed on ***Mahendra Lal Das*** is also misplaced. That case involved an egregious lapse of over twelve years during which even sanction for prosecution was not granted. The Court found that the very authorities empowered to grant sanction appeared doubtful about the case itself, leading to an inference that continuance of proceedings would serve no useful purpose. The facts here are materially different: sanction was granted as early as 2015, investigative steps continued thereafter, and the chargesheet now stands filed.

17. ***Pankaj Kumar*** too turned on its own peculiar facts. There, offences allegedly committed in 1981 were followed by registration of FIR only in 1987, filing of a chargesheet in 1991, and then a complete standstill till 1999. The appellant, who was a young boy at the time of the alleged acts,

had to endure over fifteen years of uncertainty without trial, and the State candidly admitted it had no explanation for the delay. The Supreme Court, noting the extreme mental strain suffered and the absence of any prejudice attributable to the accused, held that his right under Article 21 had been violated and quashed the proceedings. In the case at hand, however, the FIR was registered contemporaneously with the trap, sanction was secured in due course, and the delay is traceable to identifiable investigative steps.

18. It is also apposite to emphasise that the power to quash criminal proceedings under Article 226 of the Constitution or Section 482 Cr.P.C. (now Section 528 BNSS) is to be exercised sparingly and in the rarest of cases. The jurisdiction is intended to prevent abuse of process or to secure the ends of justice, and not to conduct a roving inquiry into disputed facts or to prematurely stifle a prosecution, particularly where the allegations disclose cognisable offences of a serious nature.

Conclusion

19. Applying the principles emerging from ***Abdul Rehman Antulay*** and ***Vakil Prasad Singh*,** this Court is of the considered view that the case at hand does not fall within the narrow category where quashing is warranted. The record reflects identifiable causes, including inter-departmental correspondence, scrutiny of draft chargesheets, efforts to obtain voice samples, and the disruption during the COVID-19 pandemic. More important, the Petitioner has not demonstrated any trial-related prejudice of the kind that would impair his defence or render a fair adjudication impossible.

20. At the same time, the constitutional guarantee of a speedy trial cannot be reduced to an empty formality. Having regard to the protracted

investigation already endured by the Petitioner, it is necessary to ensure that the trial now proceeds without further delay. In exercise of its supervisory jurisdiction, this Court directs that the trial be taken up expeditiously and, as far as practicable, concluded within a period of twelve months from the date of receipt of this order.

21. For these reasons, the petition fails and is dismissed. The trial court shall adhere to the above time-frame, subject of course to cooperation by the parties and availability of witnesses, and shall not grant unnecessary adjournments. The Registry is directed to communicate this order forthwith to the concerned trial court for strict compliance.

SANJEEV NARULA, J

AUGUST 26, 2025/MK