CGHC010303572026 2026:CGHC:35949-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2086 of 2026

Manoharlal Choudhary S/o Late Umed Ram Choudhary, Aged About 65 Years R/o Om Shanti Vihar Colony (Plot No. 14), Kotra Road, Distt - Raigarh (C.G.)

... Petitioner

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station Ambikapur District Sarguja (C.G.)

2 - District Magistrate Ambikapur, Sarguja, Distt. Sarguja (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Priyanka Rai Mishra, Advocate
For State/Respondents	:	Mr. Ashish Shukla, Additional Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

***Per* Ramesh Sinha, Chief Justice**

13.08.2026

1. Heard Ms. Priyanka Rai Mishra, learned counsel for the petitioner as well as Mr. Ashish Shukla, learned Additional Advocate General, appearing for respondents/State.

2. By filing the present petition, the petitioner calls in question the legality and validity of FIR No.694/1992 registered at Police Station Ambikapur, charge-sheet No.255-A/2026 dated 23.06.2026 and the consequential cognizance order passed by the learned Special Judge (Prevention of Corruption Act), Ambikapur, in Special Criminal Case No.03/2026, insofar as the same relate to the petitioner for the offences punishable under Sections 420, 467, 468, 471 and 34 of the IPC and the provisions of the Prevention of Corruption Act. The petitioner has prayed for following relief:

> *"It is therefore most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to quash the FIR No. 694/1992 registered at P.S.Ambikapur, Chhattisgarh (then M.P) along with chargesheet no. 255-A/2026 dated 23.06.2026 presented before First Additional sessions Judge, Ambikapur District sarguja and the cognizance order by special judge (PC Act) sarguja, Ambikapur in special criminal case no. 03/2026 for offence U/S 420,468,467,471,34 of IPC and section 13 (1)(d) and 13(2) of prevention of corruption Act (Annexure P/1) so far as the petitioner is concerned."*

3. Brief facts of the case, in a nutshell, are that the co-accused, while posted as Joint Collector (Land Acquisition), Ambikapur, had acquired land belonging to one Amarsai and an award of compensation of Rs.12,840.55/- was passed in his favour. It is alleged that the amount in the cheque was subsequently altered to Rs.5,12,840.55/- and a savings bank account was opened in the name of Amarsai on the basis of false identification, resulting in withdrawal of the enhanced amount. The petitioner, who was then posted as Postal Assistant, is alleged to have opened the account in discharge of his official duties.

4. The FIR was registered in the year 1992 and the investigation remained pending for more than three decades. The petitioner subsequently superannuated in the year 2021. Upon his earlier petition being registered as Cr.M.P. No.1024/2026, this Court called for an explanation from the Director General of Police regarding the extraordinary delay and directed completion of investigation. Thereafter, the charge-sheet was filed on 23.06.2026, after a lapse of about 34 years. The earlier petition was withdrawn with liberty to challenge the charge-sheet.

5. Ms. Priyanka Rai Mishra, learned counsel appearing for the petitioner, submits that the prosecution itself suffers from an inordinate and wholly unexplained delay of about 34 years, which has seriously prejudiced the petitioner and infringed his fundamental right to speedy investigation and trial guaranteed under Article 21 of the Constitution. It is submitted that the petitioner was never absconding, had remained available to the authorities, continued in service and ultimately superannuated in the year 2021, yet the investigating agency failed to complete the investigation for decades.

6. Learned counsel further submits that the extraordinary delay is attributable entirely to the investigating agency and not to the petitioner.

Even after this Court called for an explanation, the authorities merely stated that the officers posted between 2016 and 2025 had not taken steps to complete the investigation. Such a superficial explanation, it is argued, cannot justify keeping a criminal investigation pending for more than three decades, particularly when the delay has resulted in loss of evidence, documents and availability of witnesses. Reliance has been placed on ***Abdul Rahman Antulay v. R.S. Nayak, 1992 Cri LJ 2717; Dr. Sarvesh Bhattacharjee v. State (NCT of Delhi), W.P.(Crl.) No.781/2021; Madan Mohan Saxena v. State of U.P., 2023 (3) ALJ 7; Mahendra Lal Das v. State of Bihar, (2002) 1 SCC 149;*** and ***Pankaj Kumar v. State of Maharashtra, (2008) 16 SCC 117***.

7. It is next submitted that the prosecution sanction granted against the petitioner is vitiated by non-application of mind, as the sanction order does not disclose consideration of the FIR, the relevant documents or the material collected during investigation, nor does it record any reasons indicating satisfaction of the competent authority regarding commission of the alleged offences by the petitioner. Learned counsel submits that sanction is not an empty formality but a statutory safeguard intended to protect public servants against frivolous prosecution. Reliance has been placed on ***Bindyachal Chaubey v. State of Jharkhand, 2010 Cri LJ 1531; Mohd. Iqbal Ahmed v. State of A.P., AIR 1979 SC 677; M. Shrinivasulu Reddy v. State Inspector of Police, ACB, Nellore Range, 1993 Cri LJ 558;*** and ***Ayya Samy v. State through Inspector of Police, Vigilance and Anti-Corruption, 1996 Cri LJ 125 (Mad.)***.

8. Learned counsel also submits that the departmental fact-finding inquiry had not found the petitioner involved in forging any document and had only attributed negligence in discharge of official duties, for which a minor penalty was imposed. It is contended that the petitioner had merely processed the application for opening the savings account in accordance with the prescribed procedure and neither forged any signature nor impersonated or identified any person as Amarsai. Thus, even if the allegations in the charge-sheet are taken at their face value, the essential ingredients of the offences alleged against the petitioner are not made out.

9. Lastly, learned counsel submits that the continuation of the prosecution has caused grave prejudice to the petitioner, who has already superannuated and has been deprived of his pensionary and retiral benefits on account of the pendency of the criminal case. It is therefore submitted that, having regard to the extraordinary delay, violation of Article 21, absence of the essential ingredients of the alleged offences and the invalidity of the prosecution sanction, the FIR, charge-sheet and consequential proceedings deserve to be quashed insofar as the petitioner is concerned.

10. Per contra, Mr. Ashish Shukla, learned Additional Advocate General, opposes the submissions advanced on behalf of the petitioner and submits that the petitioner has been arrayed as an accused on the basis of material collected during investigation, which prima facie discloses his involvement in the alleged transaction. It is submitted that, at the relevant time, the petitioner was posted in the Postal Department and, while discharging his official duties, the savings account was opened and the payment of the disputed amount was facilitated without following the prescribed procedure. The question as to the precise role and involvement of the petitioner is a matter to be adjudicated on the basis of evidence during trial and cannot be conclusively determined at the stage of exercise of jurisdiction under Section 528 of the BNSS.

11. Learned Additional Advocate General further submits that the principal ground urged by the petitioner is the delay in completion of investigation and filing of the charge-sheet; however, such delay, by itself, cannot furnish a ground for quashing the entire prosecution where the investigation has ultimately been completed and the competent authority has granted the requisite prosecution sanction. It is submitted that the case involves allegations concerning manipulation of a compensation cheque, opening of a bank account in the name of the beneficiary and withdrawal of Government money, requiring investigation by the competent agency and compliance with the statutory requirements under the Prevention of Corruption Act. The record itself indicates that the matter was initially investigated at Ambikapur and was subsequently transferred to the Economic Offences Wing, and correspondence relating to collection of handwriting samples was also undertaken during the course of investigation.

12. It is lastly submitted that the petitioner cannot seek quashing of the criminal proceedings merely by relying upon the delay, particularly when the prosecution has collected material against him and the question whether such material is sufficient to establish the ingredients of the alleged offences is required to be tested during trial. The defence raised by the petitioner regarding his limited role, compliance with departmental procedure and absence of mens rea involves disputed questions of fact which cannot appropriately be adjudicated in proceedings under Section 528 of the BNSS. It is, therefore, submitted that the present petition, being premature and devoid of merit, deserves to be dismissed and the petitioner be relegated to face the trial in accordance with law.

13. By filing rejoinder to the reply filed by the respondents/State, learned counsel for the petitioner submits that the allegations attributed to the petitioner, even if taken at their face value, do not disclose commission of the offences alleged against him. It is submitted that the petitioner was merely discharging his limited official duty of opening the savings account in accordance with the rules prevailing at the relevant time, and he neither verified or forged the cheque, identified the person impersonating Amarsai, nor received or withdrew any part of the alleged amount. The person who allegedly identified the beneficiary was co-accused Anoop Kashyap. Learned counsel further submits that the State has failed to produce any rule or document requiring the petitioner to intimate the District Small Savings Officer before making the payment and, therefore, even the allegation of procedural lapse, if accepted, could at best constitute negligence or dereliction of official duty and cannot, in the absence of the requisite criminal intent or participation, attract the penal provisions invoked against the petitioner. She further submits that the extraordinary and wholly unexplained delay of about 34 years cannot be brushed aside as mere administrative or procedural delay, particularly when the investigating agency remained inactive for decades and the charge-sheet came to be filed only after this Court called for an explanation regarding the pendency of the investigation. It is submitted that the alleged prosecution sanction is also not a valid sanction in the eye of law, as it does not demonstrate due application of mind to the material against the petitioner. The prolonged delay has seriously prejudiced the petitioner's right to speedy trial and fair defence, besides resulting in non-availability of material evidence; even the alleged forged cheque, which constitutes the foundation of the prosecution case, has not been seized or reflected in the seizure memo. Learned counsel, therefore, submits that the present case is not one where the petitioner is seeking adjudication of disputed questions of fact at the stage of trial, but one where the allegations and material collected, even if accepted in their entirety, fail to disclose the essential ingredients of the offences against him; hence, continuation of the criminal proceedings would amount to abuse of the process of law and the charge-sheet and consequential cognizance order, insofar as the petitioner is concerned, deserve to be quashed.

14. We have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.

15. The question which falls for consideration before this Court is not merely whether the prosecution has ultimately succeeded in filing the charge-sheet after completion of investigation, but whether, in the peculiar facts and circumstances of the present case, the petitioner can be compelled to undergo the ordeal of criminal prosecution after the investigating agency has permitted the matter to remain in a state of suspended animation for about 34 years, and whether the material collected during such belated investigation discloses the essential ingredients of the offences alleged against the petitioner.

16. At the outset, it is necessary to emphasise that the power vested in this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is of wide amplitude and is intended to secure the ends of justice and to prevent abuse of the process of any Court. The exercise of such jurisdiction is undoubtedly to be undertaken sparingly and with circumspection; however, sparing exercise does not mean that the Court should remain a mute spectator where continuation of a criminal prosecution itself results in manifest injustice. The settled parameters for exercise of inherent jurisdiction include cases where the allegations, even if taken at their face value and accepted in their entirety, do not constitute the offence alleged, where the material does not disclose the necessary ingredients of the offence, and also where continuation of the proceedings would amount to an abuse of the process of law.

17. In the present case, the chronology of events assumes considerable significance. The FIR was registered as far back as in the year 1992 in relation to an alleged transaction concerning a cheque and compensation amount arising out of land acquisition proceedings. The petitioner was admittedly a Postal Department employee at the relevant time. The investigation was thereafter transferred to the Economic Offences Wing and remained pending for several decades. The petitioner continued in service, ultimately superannuated in the year 2021, and yet the investigating agency did not bring the investigation to its logical conclusion. It was only when the petitioner approached this Court in Cr.M.P. No.1024/2026 seeking quashing of the FIR on account of prolonged inaction that this Court called for an explanation from the Director General of Police regarding the extraordinary pendency of the investigation and directed that the investigation be completed. Thereafter, the charge-sheet came to be filed on 23.06.2026, i.e. after approximately 34 years from registration of the FIR. These facts are borne out from the record placed before this Court.

18. The explanation furnished by the State for such extraordinary delay does not inspire confidence. The State has sought to explain the delay by referring to transfer of the matter from one investigating agency to another and to certain procedural steps allegedly undertaken during the course of investigation. However, mere transfer of investigation or the existence of correspondence during the intervening period cannot, by itself, constitute a legally acceptable explanation for keeping a criminal investigation pending for more than three decades. An investigating agency is required to act with reasonable expedition. Administrative inconvenience, change of officers, movement of files or transfer of investigation may explain a reasonable period of delay, but they cannot furnish an omnibus justification for an unexplained delay extending over several decades.

19. The right to speedy investigation and speedy trial is an integral and essential facet of the fundamental right guaranteed under Article 21 of the Constitution of India. The expression "speedy trial" cannot be understood narrowly so as to commence only after filing of the charge-sheet. The constitutional guarantee necessarily embraces the investigation stage, because an accused is subjected to the continuous anxiety, uncertainty and threat of criminal prosecution from the very inception of the criminal process.

20. The Supreme Court in ***Robert Lalchungnunga Chongthu @ R.L. Chongthu v. State of Bihar, 2025 INSC 1339***, has recently reiterated that timely completion of investigation is intrinsically connected with Article 21 and that investigation cannot be permitted to continue indefinitely without adequate justification. The Supreme Court specifically recognised that where investigation has continued for an unduly long period without a justifiable explanation, the accused may approach the High Court under Section 528 of the BNSS/Section 482 of the CrPC for appropriate relief, including quashing in an appropriate case.

21. More significantly, the aforesaid decision in ***Robert Lalchungnunga Chongthu*** (supra) is not a case in which the Supreme Court treated delay in isolation as an automatic ground for quashing.

The Court examined the overall circumstances, including the validity of the sanction and the prolonged delay in filing the charge-sheet, and ultimately quashed the prosecution. The Supreme Court observed that the accused cannot be made to suffer endlessly under the threat of continuing investigation and eventual criminal proceedings bearing upon his everyday existence. The principle laid down therein is directly attracted to the facts of the present case, where the petitioner has remained under the shadow of the criminal case since 1992 and the prosecution has taken approximately 34 years to reach the stage of filing of the charge-sheet.

22. The subsequent pronouncement of the Supreme Court in ***Sahil Abdulsattar Mansuri v. Safimahamad Fafirbhai Mansuri, 2026 INSC 626***, further reinforces the constitutional requirement of timely investigation. In that case, the Supreme Court expressly observed that the right to speedy trial is intrinsically linked to Article 21 and that timely completion of investigation is inherent in that constitutional guarantee. The Court held that an unexplained and inordinate delay in filing the charge-sheet warrants judicial intervention. Though the factual setting of that case is different, the constitutional principle is of general application: the State cannot keep the criminal process pending indefinitely and thereafter seek to justify its own inaction merely by stating that investigation has ultimately been completed.

23. Tested on the aforesaid principles, the explanation furnished by the respondents in the present case falls woefully short of the constitutional standard. The delay here is not of a few years or even a decade. It is a delay of approximately three and a half decades. The petitioner has not been shown to have absconded, evaded investigation, obstructed the proceedings or otherwise contributed to the delay. On the contrary, he continued in Government service and ultimately superannuated in the year 2021. Thus, there is no material before this Court to attribute the extraordinary delay to any conduct of the petitioner. The entire burden of explaining the delay, therefore, lies upon the investigating agency, and the explanation offered is neither adequate nor convincing.

24. The contention of the learned Additional Advocate General that the delay cannot, by itself, be the sole ground for quashing the prosecution is undoubtedly correct as a general proposition. However, the said proposition cannot be divorced from the facts of the case. This Court is not proceeding merely on the mathematical calculation of 34 years. The delay has to be examined in conjunction with the circumstances in which it occurred, the absence of any satisfactory explanation, the consequent prejudice caused to the petitioner, the nature of the material collected against him, the fact that the prosecution was completed only after intervention of this Court, and the fact that the petitioner had already superannuated and suffered deprivation of his retiral benefits on account of the pendency of the criminal case. It is this cumulative effect which brings the present case within the exceptional category warranting exercise of inherent jurisdiction.

25. The submission of the State that the petitioner should be relegated to trial also cannot be accepted mechanically. It is true that ordinarily this Court does not undertake a meticulous examination of evidence while exercising jurisdiction under Section 528 of the BNSS. Equally settled, however, is the principle that where the uncontroverted allegations and the material placed by the prosecution, taken at their face value, fail to disclose the commission of an offence by the particular accused, the accused cannot be compelled to undergo the rigours of a criminal trial merely because a charge-sheet has been filed.

26. In the present case, the prosecution case, in substance, is that the compensation amount payable to Amarsai was manipulated, a savings account was opened in his name on the basis of false identification and the enhanced amount was thereafter withdrawn. The specific allegation concerning impersonation and identification is attributed to the co-accused. So far as the petitioner is concerned, his alleged role is essentially confined to opening the savings account in the course of his official duties. The petitioner has consistently asserted that he neither forged the cheque, nor altered the amount mentioned therein, nor identified the person who allegedly impersonated Amarsai, nor received or withdrew the alleged misappropriated amount.

27. The distinction between a mere procedural lapse or negligence in discharge of official duties and participation in a criminal conspiracy or fraudulent transaction cannot be lost sight of. Mere negligence, however serious it may be from the standpoint of departmental discipline, does not automatically constitute cheating, forgery, use of forged document or criminal conspiracy. For attracting the penal provisions invoked against the petitioner, there must be material indicating the requisite elements of the respective offences and, where necessary, the intentional participation or common design attributed to the accused.

28. The State has also failed to point out any specific material demonstrating that the petitioner had knowledge of the alleged manipulation of the cheque or that he was party to the impersonation of Amarsai. The allegation that the account was opened without adequate verification, even if accepted for the sake of argument, cannot by itself establish that the petitioner knowingly participated in the alleged fraudulent transaction. The person who allegedly identified the beneficiary is stated to be a co-accused. There is also no allegation that the petitioner himself received the disputed amount or derived any benefit therefrom.

29. The circumstance relating to the alleged forged cheque assumes further importance. The petitioner has pointed out that the very cheque which forms the foundation of the prosecution case has not been seized and is not reflected in the seizure material relied upon by the prosecution. In a prosecution substantially founded upon alleged alteration of the amount mentioned in a cheque, the absence of the primary document is not an insignificant circumstance, particularly when the investigation itself has been permitted to remain pending for approximately 34 years. The passage of such a long period naturally creates serious difficulties in preservation, production and examination of primary evidence and materially enhances the prejudice caused to the accused.

30. The State has sought to contend that the question of the petitioner's involvement can be decided only after evidence is led at trial. Such submission overlooks the fact that the inherent jurisdiction of this Court is precisely meant to prevent a person from being subjected to a criminal trial where the foundational requirements for prosecuting him are absent. The Court is not required to conduct a mini-trial, but it is equally not required to shut its eyes to the absence of material which would constitute the essential ingredients of the alleged offences.

31. The issue regarding prosecution sanction also requires consideration. The Supreme Court in ***Robert Lalchungnunga Chongthu*** (supra) has reiterated the settled principle that sanction for prosecution of a public servant is not an empty formality. It is a solemn statutory safeguard intended to protect public servants from frivolous or vexatious prosecution. The validity of sanction depends upon the material placed before the sanctioning authority and due application of mind to such material. The sanction order must, at least ex facie, disclose that the competent authority considered the relevant material before arriving at the requisite satisfaction.

32. In the present case, the sanction order relied upon by the State does not demonstrate the requisite application of mind to the specific role attributed to the petitioner. There is no satisfactory indication from the material placed before this Court that the sanctioning authority independently considered the specific evidence against the petitioner and applied its mind to whether his alleged conduct constituted the offences for which prosecution was proposed. The mere existence of an order granting sanction cannot, therefore, be treated as conclusive proof that the statutory safeguard has been duly complied with.

33. It is true that ordinarily the validity of sanction may be considered during the course of trial. But where the challenge to sanction forms part of a larger and exceptional circumstance involving an unexplained investigation of about 34 years and where the prosecution material itself does not disclose the petitioner’s individual criminal participation, the Court cannot treat the sanction as an answer to every defect in the prosecution. Sanction is a safeguard; it cannot become a device to revive an otherwise constitutionally infirm prosecution.

34. The Court is also conscious of the fact that the alleged occurrence dates back to the year 1992. With the passage of approximately 34 years, witnesses may no longer be available, memories inevitably fade, relevant records may have been lost, and the ability of the accused to effectively defend himself is substantially impaired. The right to a fair trial is not merely a right to have a trial conducted in accordance with procedural rules; it includes a meaningful opportunity to meet the case of the prosecution. A trial commenced after such an extraordinary period, in circumstances where the delay is attributable to the prosecution and not to the accused, cannot be viewed in isolation from the prejudice caused by the passage of time.

35. The Supreme Court has repeatedly recognised that the right to speedy trial is not an abstract or ornamental right. In ***Abdul Rehman Antulay v. R.S. Nayak, 1992 Cri LJ 2717***, the Constitution Bench explained the constitutional significance of speedy trial and emphasised that the Court must consider the length of delay, reasons for delay, responsibility for the delay and prejudice caused to the accused. The later decisions relied upon by the petitioner, including ***Mahendra Lal Das v. State of Bihar, (2002) 1 SCC 149*** and ***Pankaj Kumar v. State of Maharashtra, (2008) 16 SCC 117***, reinforce the principle that unreasonable delay attributable to the prosecution cannot be ignored when examining the constitutional validity of continuing criminal proceedings.

36. The recent pronouncement in ***Robert Lalchungnunga Chongthu*** (supra) brings the aforesaid constitutional principle into the present statutory framework by expressly recognising the availability of the inherent jurisdiction under Section 528 of the BNSS where investigation has continued for an unduly long period without adequate justification. The Supreme Court has thus made it clear that the remedy of quashing is not foreclosed merely because the investigating agency eventually submits a charge-sheet after an inordinate and unexplained delay.

37. Similarly, the decision in ***Sahil Abdulsattar Mansuri*** (supra) demonstrates that even in circumstances where the investigating agency seeks to rely upon the gravity or nature of allegations, the constitutional requirement of timely investigation cannot be diluted. The Supreme Court has reiterated that where an investigation remains incomplete for an extraordinarily long period and the delay is not attributable to the accused, judicial intervention is warranted to protect the guarantee under Article 21 of the Constitution of India.

38. Applying the aforesaid principles to the facts of the present case, we are of the considered opinion that the prosecution against the petitioner cannot be permitted to continue. The extraordinary delay of approximately 34 years remains substantially unexplained; the petitioner has not contributed to such delay; the investigation was completed only after judicial intervention; the petitioner has already superannuated; the pendency of the criminal case has affected his retiral benefits; the primary document allegedly forming the basis of the charge of manipulation has not been shown to have been seized; and, more importantly, the material relied upon by the prosecution does not disclose a clear and specific act of criminal participation by the petitioner corresponding to the offences alleged against him.

39. We are not oblivious to the seriousness of allegations relating to alleged misappropriation of Government money. Economic offences and offences involving public funds undoubtedly require serious consideration. However, seriousness of an allegation cannot authorise the State to disregard the constitutional guarantee of speedy investigation and trial. The more serious the allegation, the greater is the obligation upon the investigating agency to conduct the investigation fairly, efficiently and within a reasonable time. Constitutional rights do not become subordinate to administrative convenience merely because the prosecution alleges an offence involving public money.

40. Equally, the submission that the petitioner should face trial because the charge-sheet has been filed cannot be accepted as an absolute proposition. Filing of a charge-sheet is not an irreversible event which places the prosecution beyond scrutiny under Section 528 of the BNSS. The High Court retains jurisdiction to examine whether continuation of the prosecution would amount to abuse of the process of law. In the present case, the cumulative circumstances are sufficiently exceptional to warrant such intervention.

41. The Court also cannot ignore that the prosecution itself, when called upon to explain the extraordinary pendency, furnished an explanation which substantially attributes the delay to inaction on the part of the investigating officers. Such institutional or administrative failure cannot be shifted upon the accused. The petitioner cannot be made to suffer indefinitely for the failure of the State machinery to perform its statutory obligation. The criminal justice system cannot operate on the principle that an accused must remain under perpetual threat of prosecution until such time as the State finds it convenient to complete its investigation.

42. In our considered view, permitting the present prosecution to continue would result in precisely the kind of prejudice which Article 21 of the Constitution of India seeks to prevent. It would subject the petitioner to the anxiety and uncertainty of a criminal trial relating to an occurrence which is approximately 34 years old, notwithstanding that the delay is not attributable to him. Such continuation, in the peculiar facts of the present case, would not advance the cause of justice but would amount to abuse of the process of law.

43. There is yet another circumstance which cannot be lost sight of while considering the overall equities of the matter. The petitioner herein, namely Manoharlal Choudhary, is sought to be prosecuted in respect of an occurrence dating back to the year 1992. From the material placed on record, it appears that one of the co-accused, namely Anoop Kashyap, has already expired, whereas Amir Ali, who was the then Collector/Land Acquisition Officer and is stated to be one of the principal accused in the alleged transaction, is presently bedridden and, on account of his physical condition, is not in a position to effectively participate in the criminal proceedings. Though the individual circumstances of the co-accused are not directly under consideration in the present petition, these circumstances are relevant while examining the practical consequences of permitting a prosecution relating to an occurrence nearly three and a half decades old to proceed further.

44. It further appears from the record that Md. Sabir Ali, another co-accused, has either remained in custody/arrested in connection with the case or has been enlarged on bail, as the case may be. Thus, the prosecution, which originated from an occurrence of the year 1992, has reached the present stage after an extraordinary passage of approximately 34 years, during which the status and physical condition of the persons allegedly connected with the transaction have materially altered. One accused has passed away, another is stated to be physically incapacitated, while the proceedings against the remaining accused have continued for several decades. These circumstances, though not by themselves determinative of the petitioner's liability, demonstrate the extent to which the passage of time has impaired the possibility of a meaningful and effective criminal adjudication.

45. The criminal justice system is undoubtedly required to deal firmly with allegations involving misappropriation of public money and offences of corruption; however, such objective cannot be pursued at the cost of the constitutional guarantee of a fair, meaningful and reasonably expeditious criminal process. The death of one co-accused, the serious physical incapacity of another, and the prolonged pendency of the proceedings against the remaining accused are circumstances which, when considered cumulatively with the unexplained delay of about 34 years, the prejudice caused to the petitioner Manoharlal Choudhary, his superannuation, and the absence of specific material demonstrating his conscious participation in the alleged offences, reinforce the conclusion that continuation of the criminal proceedings against the petitioner would serve no legitimate purpose. In the peculiar facts of the present case, compelling the petitioner to undergo the ordeal of a criminal trial after such an extraordinary lapse of time would neither advance the cause of justice nor serve any meaningful prosecutorial purpose and would, rather, amount to an abuse of the process of law.

46. For the foregoing reasons, this Court is satisfied that the present case falls within the exceptional parameters warranting exercise of inherent jurisdiction under Section 528 of the BNSS. The extraordinary and unexplained delay, the consequent infringement of the petitioner's right to speedy investigation and trial under Article 21 of the Constitution of India, the serious prejudice occasioned to his defence by the passage of approximately three and a half decades, the absence of specific material disclosing his conscious and intentional participation in the alleged offences, and the infirmity attending the prosecution sanction, when considered cumulatively, constitute sufficient grounds for interference.

47. Accordingly, the present petition is **allowed**.

48. Consequently, FIR No.694/1992 registered at Police Station Ambikapur, District Surguja (then Madhya Pradesh), charge-sheet No.255-A/2026 dated 23.06.2026 and the consequential cognizance order passed by the learned Special Judge (Prevention of Corruption Act), Ambikapur, in Special Criminal Case No.03/2026, insofar as they relate to the present petitioner, are hereby quashed and set aside, including the proceedings arising therefrom for the offences punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code and Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act.

49. It is made clear that the present order is confined to the prosecution of the petitioner and shall not affect the proceedings, if any, against the other accused persons, which shall proceed in accordance with law and on their own merits.

50. Before parting, this Court deems it appropriate to observe that the present case is a reminder that investigation is not an open-ended statutory exercise. The power of the State to investigate an offence carries with it a corresponding constitutional obligation to conduct and conclude such investigation with reasonable expedition. The sword of criminal prosecution cannot be permitted to remain hanging over an individual for decades merely because the investigating agency failed to act within a reasonable time. As recently reiterated by the Supreme Court, the right to speedy investigation is embedded within Article 21 of the Constitution of India, and where an investigation continues for an unduly long period without adequate justification, the High Court is competent to intervene under Section 528 of the BNSS.

51. The petition is, accordingly, allowed in the aforesaid terms. All pending interlocutory applications, if any, stand disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu