



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

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Reserved on: April 10, 2026
Pronounced on: April 17, 2026

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CRL.M.C. 4599/2022, CRL.M.A. 18653/2022

NARINDER KUMAR NANGIA

.....Petitioner

Through: Mr. Ashutosh Lohia and Mr. Varun
Kumar, Advocates.

Versus

THE STATE & ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with Ms. Vanshika Singh and
Mr. Apoorva Khosla and Mr.
Bhanu Pratap Singh, Advocates
Mr. Rajat Aneja and Ms. N. Tiwari,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the present petition under *Section 482* of the Code of Criminal Procedure, 1973 (*Cr.P.C.*), the petitioner seeks setting aside of the order dated 20.08.2022 (*impugned order*) passed by the learned Principal District & Sessions Judge, South East, Saket Courts, New Delhi (*learned Revisional Court*) which upheld the order dated 05.04.2022 passed by the learned Chief Metropolitan Magistrate, South East, Saket Courts, New Delhi (*learned Trial Court*), wherein the application made by the respondent no.2 seeking de-freezing of account bearing no.008701014125, maintained with ICICI Bank, Branch Janak Puri was



allowed.

2. Considering the time lapse in pendency of the present petition and in the peculiar facts and circumstances involved herein which require interference by this Court under Section 482 of the Cr.P.C., this Court is proceeding to adjudicate the present petition upon merits.

3. *Succinctly put*, FIR No.236/2013 dated 28.11.2013 under *Section(s) 420/467/468/471/120B* of the Indian Penal Code, 1860 (*IPC*) was registered by the petitioner against the respondent no.2. The said FIR was registered based on a transaction of an agricultural land (*plot*), whereby the petitioner had transferred the plot in favour of the respondent no.2 on 27.07.2009, whilst retaining the original title deed, as a security for a loan amount given by respondent no.2 to the petitioner. Thence, it was revealed that respondent no.2 fraudulently executed a sale transaction through a registered Sale Deed dated 25.01.2011 and sold the plot to a third party. Pursuant thereto, a part of the proceeds emanating therefrom were deposited in account of respondent no.2 bearing no.008701014125, maintained with ICICI Bank, Branch Janak Puri (*Bank Account*).

4. Subsequent thereto, since as per the investigation, the said sale was fraudulently executed, the investigating officer *vide* letter dated 27.08.2014 froze the Bank Account of respondent no.2 by virtue of the powers vested with him under *Section 102(1)* of the Cr.P.C. and intimated the same to the learned Trial Court under *Section 102(3)* of the Cr.P.C. on 23.09.2014. Being aggrieved thereby, the respondent no.2 moved an application for de-freezing the Bank Account which was allowed by the learned Trial Court *vide* order dated 05.04.2022. As a consequence, the petitioner filed a revision petition against the said order which was upheld



by the learned Revisional Court *vide* order dated 20.08.2022. It is now that the petitioner has filed the present petition seeking setting of the impugned order.

5. At the outset, Mr. Ashutosh Lohia, learned counsel for the petitioner relied upon the latest verdict of the Hon'ble Supreme Court in ***Shento Varghese vs. Julfikar Husen: (2024) 7 SCC 23*** wherein the aforesaid issue surrounding *Section 102* of the Cr.P.C. has been discussed and dwelt upon in detail. The learned counsel submitted that in view of the aforesaid, the impugned order is liable to be set aside as the Hon'ble Supreme Court has clearly held that a reasonable construction ought to be given to the term "*forthwith*" under *Section 102(3)* of the Cr.P.C. as the same is only directory and not mandatory, which implies that a mere delay thereof ought not vitiate the seizure of the property itself since the same is a irregularity.

6. Ms. Meenakshi Dahiya, learned APP for State, in support thereof has relied upon the Status Report filed herein. In furtherance thereof, she submitted that as the investigation reveals that the respondent no.2 executed the sale of the said plot using fraudulent modes/ forged documents and the seized amount had rightly been frozen in compliance with the relevant provisions of the Cr.P.C. As such, she prayed that present petition be allowed.

7. In response thereto, Mr. Rajat Aneja learned counsel for respondent no.2 also relied upon ***Shento Varghese (supra)***, however, he submitted that as recorded in *paragraph no.28* thereof, the same is possible only "... *...if the Magistrate finds that the delay has been properly explained... ..*", which, according to him, in the present case, is evident from what has



been held by the learned Trial Court in *paragraph no.21 vide* order dated 05.04.2022 wherein it is recorded that “... .. *there was a delay in reporting the seizure of the bank account to the Court forthwith. The delay has not been explained. The delay is considerable which cannot be ignored by means of any imagination... ..*”, which has been upheld *vide* the impugned order.

8. This Court has heard learned counsel for the parties and the learned APP for the State as also perused the documents and the Status Report on record as also the judgment relied upon.

9. Based thereon, this Court is to solely determine, if the term “*forthwith*” under *Section 102(3)* of the Cr.P.C. is to be complied in *stricto sensu*, i.e., with immediate effect by the investigating agency. Also, if it is not done, would the same vitiate the entire seizure made by the investigating agency on that account.

10. For the sake of clarity, *Section 102* of the Cr.P.C. is reproduced herein as under:-

“102. Power of police officer to seize certain property

(1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

(2) Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

[(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, 2[or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention



of the property in police custody may not be considered necessary for the purpose of investigation,] he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same:].”

11. This Court finds that the Hon’ble Supreme Court has indeed crystallized the position regarding *Section 102(3)* of the Cr.P.C. in ***Shento Varghese (supra)***, wherein it has been held as under:-

“20. It is now too well settled that delay in registration of FIR is no ground for quashing of the FIR itself. It follows as a corollary that if delay in registration of FIR is no ground to quash the FIR, then delay in forwarding such FIR to the Magistrate can also afford no ground for nullification of the FIR. In fact, this Court has gone to the extent of holding that unless serious prejudice is demonstrated to have been suffered as against the accused, mere delay in sending the FIR to the Magistrate by itself will not have any deteriorating effect on the case of the prosecution. If prejudice is demonstrated and the prosecution fails to explain the delay, then, at best, the effect of such delay would only be to render the date and time of lodging the FIR suspect and nothing more. Drawing from this analogy, the delay in reporting the seizure to the Magistrate may, subject to proof of prejudice, at best, dent the veracity of the prosecution case vis-a-vis the date, time and occasion for seizure of the property. Since the proof of prejudice on the part of the accused and the explanation for delay on the part of the prosecution can only be demonstrated at trial, the effect of non-compliance becomes an issue to be adjudicated at the time of appreciation of evidence. Moreover, this Court has consistently held that even illegalities in the investigation (including illegality in search and seizures) is no ground for setting aside the investigation in toto.”

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23. *The meaning of the word "forthwith" as used in Section 102(3) has not received judicial construction by this Court. However, this Court has examined the scope and contours of this expression as it was used under the Maintenance of Internal Security Act, 1971; the Preventive Detention Act, 1950; Section 157(1) CrPC; and the Gujarat Prevention of Anti-Social Activities Act, 1985 in Sk. Salim v. State of W.B., Alla China Apparao v. State of A.P. and Navalshankar Ishwarlal Dave v. State of Gujarat.*

24. *This Court, in Rao Mahmood Ahmad Khan v. Ranbir Singh, has held that the word "forthwith" is synonymous with the word "immediately", which, means with all reasonable quickness. When a statute requires something to be done "forthwith" or "immediately" or even "instantly", it should probably be understood as allowing a reasonable time for doing it.*

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26. *From the discussion made above, it would emerge that the expression "forthwith" means "as soon as may be", "with reasonable speed and expedition", "with a sense of urgency", and "without any unnecessary delay". **In other words, it would mean as soon as possible, judged in the context of the object sought to be achieved or accomplished.***

27. *We are of the considered view that the said expression must receive a reasonable construction and in giving such construction, regard must be had to the nature of the act or thing to be performed and the prevailing circumstances of the case. When it is not the mandate of the law that the act should be done within a fixed time, it would mean that the act must be done within a reasonable time. It all depends upon the circumstances that may unfold in a given case and there cannot be a straitjacket formula prescribed in this regard. In that sense, the interpretation of the word "forthwith" would depend upon the terrain in which it travels and would take its colour depending upon the prevailing circumstances which can be variable.*



28. Therefore, in deciding whether the police officer has properly discharged his obligation under Section 102(3) CrPC, the Magistrate would have to, firstly, examine whether the seizure was reported forthwith. In doing so, it ought to have regard to the interpretation of the expression, "forthwith" as discussed above. If it finds that the report was not sent forthwith, then it must examine whether there is any explanation offered in support of the delay. **If the Magistrate finds that the delay has been properly explained, it would leave the matter at that. However, if it finds that there is no reasonable explanation for the delay or that the official has acted with deliberate disregard/wanton negligence, then it may direct for appropriate departmental action to be initiated against such erring official. We once again reiterate that the act of seizure would not get vitiated by virtue of such delay, as discussed in detail hereinabove.**

(Emphasis Supplied)

12. The Hon'ble Supreme Court in *Shento Varghese (supra)*, after meticulously considering various judgments, *pari materia* provisions and the legislative intent of *Section 102* of the Cr.P.C. in great detail, held that the expression "forthwith" ought to be given a reasonable interpretation in context of '... ..nature of the act and the prevailing circumstances of the case, especially in the absence of fixed time period.'

13. Furthermore, as evident from the categorical determination therein by the Hon'ble Supreme Court, it is also no more *res integra* that even if an intimation of the Seizure Report has not been given in the context of the expression, i.e., "forthwith" in terms of *Section 102(3)* of the Cr.P.C., and consequently there is no reasonable explanation of the delay in intimating the same, the only option is to direct an appropriate departmental inquiry *qua* the delay thereof. So much so, the Hon'ble Supreme Court has



unambiguously and categorically held that “... ..*the act of seizure would not get vitiated by virtue of such delay*”.

14. Regarding the application of *Section 102(3)* of the Cr.P.C. and the verdict rendered by the Hon’ble Supreme Court in *Shento Varghese (supra)* to the facts of the present proceedings, as apparent from a perusal of the order dated 05.04.2022 whereby the learned Trial Court has allowed the application of the respondent no.2 seeking de-freeing of his Bank Account on the basis of the delay in intimating the Seizure Report inasmuch as what is borne out from the existing legal position *qua* delay, the same is impermissible. As such, the learned Trial Court could not have vitiated the seizure made under *Section 102* of the Cr.P.C. by passing the impugned order.

15. In view of the afore-going, since grounds warranting interference by this Court whilst exercising its inherent powers vested under *Section 482* of the Cr.P.C. are made out by the petitioner, the impugned order dated 20.08.2022 passed by the learned Revisional Court and the order dated 05.04.2022 passed by the learned Trial Court are hereby set aside.

16. *Ergo*, the present petition, along with the pending application is allowed and disposed of.

SAURABH BANERJEE, J.

APRIL 17, 2026/bh/aks