

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.43 OF 2015

Chandni Devesh Mishra	... Petitioner
Vs.	
State of Maharashtra and others	... Respondents

Mr. M. P. Mishra for Petitioner.
Mrs. M. M. Deshmukh, APP for Respondents-State.

CORAM : RANJIT MORE &
R. G. KETKAR, JJ.
DATE : 28th SEPTEMBER, 2015.

P.C.:

Heard Mr. Mishra, learned Counsel for petitioner and Mrs. Deshmukh, learned APP for respondents-State. Leave to amend Petition so as to substitute Section 166A in place of Section 160 of the Indian Penal Code, 1860 is granted. Amendment shall be carried out forthwith.

2. By this Petition, petitioner is seeking direction to the respondent No.2 to register F.I.R. against respondent No.3 for the offences punishable under Section 166-A of the Indian Penal Code.

3. Petitioner contends that on the basis of the statement given by her, F.I.R. bearing C.R.No.190 of 2013 was registered on 16.04.2013 with Vakola Police Station for the offences punishable under Sections 324, 354, 504 read with Section 34 of the Indian Penal Code. Petitioner contends that

earlier on 14.04.2013, she made same allegation. However, non-cognizable complaint was registered under Sections 323 and 504 of the Indian Penal Code. Petitioner contends that the said F.I.R. ought to have been registered on 14.04.2013 itself and by not registering the said F.I.R., respondent No.3 has committed offence under Section 166-A of the Indian Penal Code.

4. The submissions of the petitioner cannot be accepted. There is nothing on record, except the bald statement of the petitioner, to show that on 14.04.2013, she made allegations under Section 354 of the Indian Penal Code. It is quite possible that allegation under Section 354 was made for the first time on 16.04.2013. The non-cognizable complaint was registered on 14.04.2013. Petitioner thereafter for the first time, made complaint to the Commissioner of Police making allegations against respondent No.3 on 15.09.2014, that is to say, after the lapse of period of 1 and ½ years. Petitioner has filed this Petition in January 2015, that is to say, after the lapse of 4 months period from the date of making complaint to the Commissioner of Police.

5. In the above circumstances, we are not inclined to exercise jurisdiction under Article 226 of the Constitution of India. Petition fails and the same is dismissed.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgement / order.