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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.134 OF 2015**

Seema Tariq Khan	... Applicant
Vs.	
The State of Maharashtra and Ors.	... Respondents

None for the Applicant.
Dr. F.R. Shaikh, APP for the Respondent No.1.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 11th APRIL, 2016

PC.

1 Though the application is called out on two occasions, none appears for the Applicant. The Applicant is the first informant at whose instance First Information Report alleging the commission of offence punishable under Section 392, 454 r/w 34 of the Indian Penal Code, 1860 was registered. Charge sheet has been filed on completion of investigation. The Applicant has invoked the provisions of Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") for quashing the charge sheet on the ground of settlement. The Applicant is relying upon the decisions of the Apex Court in the case of B.S. Joshi and others Vs. State of Haryana and Anr.¹ and Nikhil Merchant Vs. Central Bureau of Investigation and Another².

1 (2003) CRLJ 2028

2 (2008) 9 SCC 677

2 We have perused the charge sheet. On plaint reading of the charge sheet, we find that the allegation is of commission of a very serious offence punishable under Section 392 of the Indian Penal Code. It cannot be said that the offence arises out of a dispute which is in the nature of an individual dispute. The allegation is that at about 8.30 am on 11th December, 2014 when the Applicant was alone in her house, there was knock on the door of the house. It is stated that two unknown persons in the age group of 20-22 years forcibly entered the house. Both the hands and legs of the Applicant were tied by them and even mouth was tied by a dupatta. It is alleged that ear rings on the person of the Applicant were forcibly removed and two other ornaments on the person of the Applicant were snatched by the accused. Apart from the ornaments, they took away cash of Rs.4,000/- in her purse and a cash of Rs.26,300/- kept in a box by her husband. After both of them walked out of her house, she saw another person walking with them. The Applicant gave description of the accused. After carrying out investigation, three accused persons were arrested.

3 At the instance of the accused there was a recovery of ornaments of gold as evidenced from the panchanama which is a part of the charge sheet.

4 The offence is not private in nature. Such offences have

serious impact on the society. It cannot be said that the case has overwhelmingly and pre-dominantly civil flavour.

5 In the facts of the case, allowing the Applicant to privately settle the dispute with the accused is nothing but abuse of process of law. Therefore, entertaining this application for quashing the offence will be completely contrary to the law laid down by the Apex Court in the case of Gian Singh Vs. State Bank of Punjab³. Hence, there is no merit in the application and the same is accordingly rejected.

(P. D. NAIK, J)

(A.S. OKA, J)

³ (2012) 10 SCC 303