

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4035 OF 2016

Hasan Mohammad Isak Maniyar .Petitioner

Vs.

Bashir Dagumiya Maniyar & ors. .Respondents

Mr.A.B.Tajane, Advocate, for the Petitioner

Mr.S.K.Shinde, PP a/w. Mrs.S.D.Shinde, APP, for the Respondent – State

**CORAM : RANJIT V.MORE AND
REVATI MOHITE DERE, JJ.**

DATE : 09.12.2016

P.C.

. Heard learned counsel for the Petitioner and the learned
PP for the Respondent – State.

2. The Petition is filed seeking a direction against the
Respondent Nos.5 to 8 to register an FIR on the basis of the
Petitioner's complaint filed on 22.07.2011.

3. The said complaint of the Petitioner was looked into.
Since the complaint disclosed the commission of a non-cognizable
offence, an NC complaint was registered.

4. Mr.Shinde, Spl. Prosecutor also submitted that the dispute basically is civil in nature and chapter cases have been initiated against both, the Complainant as well as the accused.

5. Mr.Tajane invited our attention to the said complaint and submitted that there are allegations under Section 447 of the Indian Penal Code. He submitted that the offence punishable under Section 447 of the IPC is cognizable and non-bailable and hence the Police authorities were duty bound to register an FIR.

6. Mr.Shinde, however, submits that the said complaint of the Petitioner was filed on 22.07.2011, pursuant to which an NC was registered. He submits that now no cognizance can be taken, as it is barred by limitation. We find substance in the submissions advanced by the learned Public Prosecutor.

7. In the circumstances, we find no merit in the Petition and accordingly, it is dismissed.

(REVATI MOHITE DERE, J.)

(RANJIT V.MORE, J.)