

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

CRIMINAL APPLICATION NO.305 OF 2018

Rekha Sandip Kochrekar @ Reva ..Applicant
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.S.R. Gaud for the Applicant.

Mr.K.V. Saste, APP for the Respondent-State.

Mr.Ganesh S. Patil for Respondent No.3.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 24th JUNE 2019

P.C.

1. Heard.
2. Application is filed for quashing the proceedings of the Sessions Case No.190 of 2017 pending on the file of Session Court at Kalyan, Dist-Thane. The said case arises out of the registration of C.R. No.I-27 of 2017 at Tilak Nagar Police Station, Kalyan for the offences punishable under Section 306 of the Indian Penal Code.
3. Having gone through charge-sheet, we *prima facie* find that the applicant has a good case on merit. However, it was pointed out by the learned counsel for the respondent No.3 that the

charge is already framed against the applicant under Section 306 of the Indian Penal Code.

4. Mr.Gaud, learned counsel for the petitioner relied upon various decisions of the Apex Court in case of *Minakshi Bala V/s. Sudhir Kumar & Ors*¹ and *Thesima Begam and Another V/s. The State of Tamil Nadu*². So far as the decision of the Apex Court in case of Minakshi Bala is concerned, the Apex Court held whereas charges are framed under Section 240 of Cr.P.C. the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Sections 239 and 240 Cr.P.C.; nor would it be justified in invoking its inherent jurisdiction under Section 482 Cr.P.C. to quash the same except in those rare cases where forensic exigencies and formidable compulsion justify such a course. The Apex Court further held that in exceptional cases, the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence.

The facts of the present case are distinguishable from the facts in a case before the Apex Court and therefore it cannot be said that exceptional case is made out to entertain this application under Section 482 of the Cr.P.C.

1 (1994) 4 SCC 142

2 Criminal Appeal No.573 of 2018 order dated 02nd April 2018

5. As far as judgment of the Apex Court in case of *Thesima Begam* is concerned we have perused the facts involved in the said case. The Hon'ble Apex Court has quashed the charge-sheet even after commencement of the trial since it had noted that the complainant herself had stated in her statement that she had implicated the appellants out of anger and they had no role in the family dispute and they were not party to the demand of dowry. Their Lordships therefore observed that she had retracted her statement and the appellants were staying in foreign country and in respect of this, the Investigating Officer had filed charge-sheet against all the persons including the appellants, mechanically and without application of mind. The factual situation was thus totally different.

In the present case since the charge is already framed, the applicant has independent remedy to challenge the same by filing revision and in the interest of justice we are not inclined to entertain this petition in exercise of our inherent jurisdiction under Section 482 of the Cr.P.C. Resultantly, we dismiss the application.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)