

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2896 OF 2018

Bhanudas Bhimrao Suryawanshi
And Ors. .. Petitioners

Versus

The State Of Maharashtra .. Respondent

...

Mr. Amit Sale a/w Ms. Ashwini Mohite, for the Petitioners.

Mr. D. J. Haldankar, A.P.P. for the State/Respondent.

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CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 18th OCTOBER, 2024

P.C:-

1. The present Petition seek quashing of the complaint/FIR filed by the Nayab Tehsildar, alleging non-compliance of the orders of the Collector, Sangli, and thereby, registering an offence under Section 188 of the Indian Penal Code.

We have perused the FIR placed on record at Exh-
(c).

2. The argument advanced by the learned counsel, in seeking a relief of quashment of FIR is two fold. Firstly, that

the complaint relates to the incidents which have occurred in year 2012-2013 and 2013-2014, whereas the complaint is lodged in the year 2018.

On relying upon the belated accusations levelled in the complaint, reliance is placed by the learned counsel on Section 468 of the Code of Criminal Procedure ("Cr.P.C."). In addition, the learned counsel has also placed reliance upon Section 195 of the Cr.P.C. by submitting that it is not permissible for any Court to take cognizance of any offence punishable under Sections 172 to 188 (both inclusive) of the Indian Penal Code, except on the complaint in writing of the public servant concerned or some other public servant, to whom he is administratively subordinate.

The learned counsel expect us to read the word 'complaint' to mean the 'private complaint'.

3. We find no substance in both the contentions, firstly since there is no limitation prescribed for filing a complaint or for completion of the investigation into the said complaint, under the scheme of Cr.P.C. As far as Section 468 is concerned, it is a bar imposed in taking cognizance after lapse of period of limitation and this in no way convey that an FIR filed is hit by the period of limitation prescribed under the said Section.

As far as Section 195 is concerned the embargo is created upon a Court for taking cognizance in the contingencies stipulated therein except on the complaint in writing of a public servant and since the present complaint is filed by the Nayab Tehsildar alleging commission of an offence under Section 188 of the IPC, according to us the said

provision is not at all attracted.

4. In the wake of the above, we do not find merit in the Petition and the same is disposed off.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)