



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.62 OF 2024

TEJRAO S/O. GANESHRAO HINGWE

VS

THE STATE OF MHA. THR. PSO ARVI DIST.WARDHA AND ANOTHER

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. A.P. Tathod, Advocate for the petitioner/s
Mr. U.R. Phasate, APP for the respondent/State

CORAM : ANIL S. KILOR, J.

DATE : 11th MARCH, 2025

1. Heard.
2. This writ petition takes exception to the judgment and order dated 20.07.2023 passed in Criminal Revision No.05 of 2021 by the Additional Sessions Judge, Wardha, dismissing the criminal revision arising out of the order dated 17.12.2020 in OMC No.121 of 2020 passed by the learned Judicial Magistrate First Class, Arvi, rejecting the application under Section 156 (3) of the CrPC, for direction to the police to register an FIR for the offences punishable under Section 379 and 380 of the IPC against the respondent No.2/wife-Chandabai W/o Tejrao Hingwe.

3. The brief facts of the case are as under:

The petitioner and respondent No. 2 are the husband and wife, and there is a matrimonial discord between them. The petitioner filed proceedings under Section 156(3) of the CrPC for the offences punishable

under Sections 379 and 380 of the IPC against his wife, alleging that on 18.12.2016, when the petitioner was on duty as a 'Forest Guard' his wife took away 18 tola gold ornaments and cash of Rs.80,000/-, without his consent.

4. On 26.12.2016, the petitioner filed a missing complaint with Police Station, Arvi. Afterward, when she returned they cohabited together for some time.

5. The learned Magistrate, considering the fact that the period of 4 years is lapsed in between the alleged theft and the filing of the proceedings, under Section 156(3) of the CrPC, dismissed the application.

6. The said rejection of the application under Section 156(3) of the CrPC was the subject matter of challenge in Criminal Revision No. 5 of 2021 before the Additional Sessions Judge, Wardha. The learned Revisional Court, vide judgment and order dated 20.07.2023, rejected the revision and confirmed the order of the learned Magistrate.

7. Having gone through the impugned judgment and order, it is evident that no error is committed by the learned Revisional Court as well as the learned Magistrate for the reasons; firstly, after the incident, the petitioner cohabited with the respondent-wife for some time; secondly, the observations made by the learned Revisional Court disclose that the application filed under Section

156(3) of the CrPC came to be filed with an intent to settle the matrimonial dispute; and lastly, Section 468 of the CrPC creates bar to entertain the complaint after the period of limitation. This application is barred by limitation, as the maximum punishment for the alleged offences, is 3 years, whereas, the application came to be filed after 4 years i.e. beyond the period of limitation of 3 years.

8. Thus, I do not want to interfere with the impugned order, accordingly, the writ petition is **dismissed**.

(ANIL S. KILOR, J.)