2026 INSC 336

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1831-1832 OF 2026
(Arising out of SLP (Crl.) Nos.9971-9972 of 2025)

ROMA AHUJA **...APPELLANT**

VERSUS

THE STATE AND ANOTHER **...RESPONDENTS**

J U D G M E N T

N.V. ANJARIA, J.

Leave granted.

2. These two appeals arise out of common order dated 30.01.2025, passed by the High Court of Delhi in Crl. M.C. No. 1170 of 2017 and Crl. M.A. No. 7270 of 2016. Thereby the High Court allowed the petition filed by Respondent No. 2-the accused, under Articles 226 and 227 of the Constitution read with Section 482 of the Code of Criminal

Procedure, 1973[1] for quashing the First Information Report[2] No. 121 of 2011.

2.1 The said FIR was in respect of the commission of offences under Sections 323 and 341 read with Section 34 of the Indian Penal Code, 1860[3], at P.S. Moti Nagar, lodged by the appellant-complainant herein. The FIR came to be quashed on the ground that the charge-sheet was filed on 29.05.2012, which was after a period of one year and 20 days from the date of incident and therefore the bar of limitation under Section 468, Cr.PC, was attracted.

3. The incident, as per the FIR, took place on 09.05.2011, when the appellant, along with her brother and father, had gone to the court of the Special Executive Magistrate, Moti Nagar, in connection with a case filed under Section 107 read with Section 150, Cr.PC at the behest of the younger sister of the appellant. It was stated that when the parties stepped out of the gate of court premises, Respondent No. 2 - the accused named Ashutosh, who was

[1] **Hereinafter, "Cr.PC".**
[2] **Hereinafter, "FIR".**
[3] **Hereinafter, "IPC".**

an advocate appearing for Shweta-sister of the complainant, began abusing and beating the appellant.

3.1 The appellant suffered injuries on her head, right eye, cheek and shoulder. Respondent No. 2 alleged that he too was beaten by the appellant and her family. The incident resulted in the filing of two cross-FIRs. FIR No. 120 of 2011 came to be filed by the respondent against the appellant. On the same day, that is, on 09.05.2011, the complaint made by the appellant against Respondent No. 2 in the form of FIR No. 121 of 2011 was registered at the same P.S. Moti Nagar.

3.2 In FIR No. 121 of 2011, which is the subject matter here, the offences under Sections 323 and 341, IPC were alleged. The accused persons were arrested and released on bail. In respect of FIR No. 120 of 2011, the Investigating Officer filed the charge-sheet on 13.07.2011. The charge-sheet came to be filed on 29.05.2012 in respect of FIR No. 121 of 2011. Based on the said FIR No. 121 of 2011, the Court of Metropolitan Magistrate (West), Delhi[4], took

[4] **Hereinafter, "trial court".**

cognizance under Section 190(1)(b), Cr.PC for the offences punishable under Sections 323, 343 and 34 IPC.

3.3 While in respect of FIR No. 120 of 2011, the charges came to be framed against the appellant, her brother, and her father under Sections 323 and 343 read with Section 34, IPC, it appears that on 08.01.2014 and again on 22.09.2014, arguments were raised on behalf of respondent No.2-accused in respect of FIR No. 121 of 2011 *inter alia* that the cognizance of the offences was taken beyond the period of limitation and, therefore, the accused was required to be discharged. The trial court did not accept the same, noting that the cognizance has attained finality and that the order was not challenged by either of the accused. The trial court further expressed itself that surprisingly, while the cross-FIR No. 120 of 2011 arising out of the same incident was charge-sheeted within limitation, the charge-sheet in respect of FIR No. 121 of 2011 was belatedly filed and that a party should not benefit from the negligence of the Investigating Officer.

3.4 Respondent No. 2 herein filed Criminal Revision Petition No. 36 of 2014 before the Court of District & Sessions Judge, Tis Hazari, Delhi wherein he challenged order dated 22.09.2014, whereby the Court had issued notices to the accused persons. On 16.02.2015, the Court of learned Additional Sessions Judge dismissed the Revision Petition, reasoning that the case involved cross-FIRs, where the Investigating Officers were different and that the delay in filing the charge-sheet in FIR No. 121 of 2011 was due to the lackadaisical approach of the Investigating Officer.

3.5 Respondent No. 2 filed application on 07.05.2015 seeking discharge under Section 258, Cr.PC in respect of FIR No. 121 of 2011, which was dismissed by the Trial Court on 04.04.2016. Thereafter, Respondent No. 2 filed Writ Petition (Criminal) No. 1407 of 2016, before the High Court of Delhi on 28.04.2016, praying to quash the FIR No.121 of 2011 and all proceedings consequential thereto. The prayer of quashing of FIR was based on the ground of limitation.

3.6 In respect of FIR No. 121 of 2011, charges came to be framed on 17.12.2016 against Respondent No. 2 and

another accused under Sections 323, 341 and 34, IPC. On 12.01.2017, Writ Petition (Criminal) No.1407 of 2016 filed by Respondent No.2 before the High Court was renumbered as Crl. M.C. No.1170 of 2017 and Crl. M.A. No.7270 of 2016. The Delhi High Court allowed the Writ Petition as per the impugned order dated 30.01.2025, taking the view that the bar under Section 468, Cr.PC is absolute and that the date when the charge-sheet was filed fell beyond the period of limitation of one year.

4. Heard learned advocate Ms. Shivani Vij for the appellant and learned Additional Solicitor General Mr. Rajkumar Bhaskar Thakare with learned advocate on record Mr. Mukesh Kumar Maroria for respondent No.1-State and learned advocate on record Mr. Praveen Swarup for respondent No.2, at length.

5. Having noticed the factual sequence, the moot question to be adverted to is what would be the relevant date for computation of the period of limitation, whether it is the date when the criminal complaint is filed or the date when the Court/Magistrate takes cognizance.

5.1 Chapter XXXVI of the Code of Criminal Procedure, 1973 is in respect of provisions relating to 'Limitation For Taking Cognizance of Certain Offences'. Section 468, Cr.PC provides for limitation for taking cognizance of the offences and bars such cognizance beyond the period of limitation.

5.2 Section 468, Cr.PC reads as under,

> **'468. *Bar to taking cognizance after lapse of the period of limitation*.**—(1) Except as otherwise provided elsewhere in this Code, no court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.
>
> (2) The period of limitation shall be—
>
> (*a*) six months, if the offence is punishable with fine only;
>
> (*b*) one year, if the offence is punishable with imprisonment for a term not exceeding one year;
>
> (*c*) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.
>
> (3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.'

5.2.1 Section 469, Cr.PC is in respect of commencement of the period of limitation. It provides that the period of

limitation, in relation to an offence, shall commence (a) on the date of the offence, or (b) if the commission of the offence was not known, the first day on which such offence comes to the knowledge of the person aggrieved or to any police officer, whichever is earlier, or (c) if it is unknown as to by whom the offence was committed, the first day on which the identity of the offender is known to the aggrieved person or the police officer, whichever is earlier.

5.2.2 Section 470, Cr.PC deals with the exclusion of time in certain cases, whereas as per Section 471, the date on which the Court is closed is to be excluded. Section 472 says that in case of a continuing offence, a fresh period of limitation shall begin to run at every moment of the time during which the offence continues. As per Section 473, notwithstanding anything contained in the other provisions, the court may take cognizance of an offence after the expiry of the period of limitation if it is satisfied on the facts and in the circumstances of the case that the delay has been explained properly.

5.2.3 As per Section 468(2) as above, the period of limitation will be six months if the offence is punishable with fine only. The limitation will be one year where the offence is punishable for a term not exceeding one year. Similarly, in respect of an offence punishable with imprisonment for a term exceeding one year but not exceeding three years, the prescribed period of limitation is three years. As per sub-section (3) of Section 468, Cr.PC, where the offences are tried together, the limitation will be determined with reference to the offence which is punishable with more severe punishment.

5.2.4 In the present case, the FIR in question, which was held barred by limitation by the High Court, was in respect of offences under Sections 323 and 341 read with Section 34 IPC. The offence under Section 323 is the offence of voluntarily causing hurt. It provides punishment of imprisonment for a term extending to one year which is the severest punishment amongst the offences charged in the FIR. In that view, it attracts Section 468(2)(b), Cr.PC, for which the period of limitation is provided to be one year.

5.2.5 Whether the limitation period as above would be reckoned from the date of filing of the complaint or from the date of taking cognizance, is no longer *res integra* in view of the Constitution Bench judgment of this Court in **Sarah Mathew v. Institute of Cardio Vascular Diseases by its Director Dr. K.M. Cherian and Others**[5].

5.3 Prior to the deliverance of the aforementioned Constitution Bench judgment in **Sarah Mathew** (supra), there prevailed a conflict of opinion on the issue. The two-Judge Bench decisions of this Court in **Bharat Damodar Kale and Another v. State of A.P.**[6] and in **Japani Sahoo v. Chandra Sekhar Mohanty**[7], held that the date of filing of the complaint is the relevant date for the purpose of computation of the period of limitation. A previous decision in **Krishna Pillai v. T.A. Rajendran and Another**[8], a judgment of a three-Judge Bench, had taken a view that the date of taking cognizance by the Court is the material date relevant for the purpose of reckoning the period of limitation.

---

[5] **(2014) 2 SCC 62**
[6] **(2003) 8 SCC 559**
[7] **(2007) 7 SCC 394**
[8] **1990 (Supp) SCC 121**

5.3.1 The two-Judge Bench passed an order in **Sarah Mathew vs. Institute of Cardio Vascular Diseases**[9] and referred the matter to a three-Judge Bench. The three-Judge Bench of this Court in **Sarah Mathew v. Institute of Cardio Vascular Diseases and Others**[10] took a view that as a coordinate Bench, it cannot declare the decision in **Krishna Pillai** (supra) to be not laying down the correct law. In due deference to the precedential discipline, the issue was referred to the five-Judge Bench to examine the correctness of the view in **Krishna Pillai** (supra). It culminated into the Constitution Bench decision in **Sarah Mathew** (supra)**.**

5.4 In order to understand the law clarified by the Constitution Bench judgment in **Sarah Mathew** (supra), it would be relevant to briefly refer to the decisions in **Bharat Kale** (supra) and in **Japani Sahoo** (supra), which were later affirmed by the Constitution Bench, holding that the decision in **Krishna Pillai** (supra), was not a good law. The **Bharat Kale** (supra) involved the facts where the offence under the Drugs and Magic Remedies (Objectionable

---

[9] **(2014) 2 SCC 102**
[10] **(2014) 2 SCC 104**

Advertisements) Act, 1954 was involved. On detection of the offence on 05.03.1999, the complaint came to be filed on 03.03.2000, which was within the period of limitation of one year. The Magistrate, however, took cognizance thereof on 25.03.2000, which was the date after one year. The argument was that since the cognizance was taken after one year, the bar of limitation would operate.

5.4.1 The Court held in **Bharat Kale** (supra),

> '…that the limitation prescribed therein is only for the filing of the complaint or initiation of the prosecution and not for taking cognizance. It of course prohibits the court from taking cognizance of an offence where the complaint is filed before the court after the expiry of the period mentioned in the said Chapter.'
>
> (Para 10)

5.4.2 It was reasoned that taking cognizance is an act of the court over which the prosecuting agency or the complainant had no control and that the complaint which was otherwise filed within the period of limitation cannot be made infructuous by an act of the court which will cause prejudice to the complainant. The maxim *actus curiae neminem gravabit*, which means that the act of the court shall not prejudice anybody, was applied and relied upon.

5.4.3 Similarly, in **Japani Sahoo** (supra), it was a complaint filed in the Magistrate's court in respect of the alleged offences punishable under Sections 161, 294, 323 and 506, IPC. On the basis of statements of witnesses, learned Magistrate issued summons on 08.08.1997, asking the accused to appear. The accused surrendered on 23.11.1998 and thereafter filed a petition under Section 482, Cr.PC for quashing of the criminal proceedings, raising contention that the cognizance could not have been taken by the Court after the period of one year limitation prescribed for the offence punishable under Sections 294 and 323, IPC.

5.4.4 The view taken by the High Court while quashing the proceedings that the relevant date for deciding the bar of limitation was the date of taking cognizance by the Court and since the cognizance was taken beyond the period of one year and that the delay was not condoned by the Court in exercise of powers under Section 473, Cr.PC, came to be set aside by this Court. Another legal maxim *nullum tempus aut locus occurrit regi*, which means that the crime never dies,

was taken resort to. After elaborately delineating the scheme of Chapter XXXVI, Cr.PC, as well as following the law laid down in **Bharat Kale** (supra), it was held by this Court that the date of filing the complaint or the date on which the criminal proceedings are initiated is the relevant date for the purpose of counting the limitation.

5.5 The Constitution Bench opined that the law laid down in **Bharat Kale** (supra) and **Japani Sahoo** (supra) was good law and that the decision in **Krishna Pillai** (supra) stood not only confined to its own facts but the proposition of law laid down therein was erroneous and could not hold the field. In **Krishna Pillai** (supra), this Court dealt with Section 9 of the Child Marriage Restraint Act, 1929, which is a special Act. It contains a provision that no court shall take cognizance of any offence under the said Act after the expiry of one year from the date on which the offence is alleged to have been committed.

5.5.1 The Constitution Bench in terms observed that there was no reference either to Section 468 or Section 473, Cr.PC in the judgment in **Krishna Pillai** (supra), nor did it refer to

Sections 4 and 5, Cr.PC, which carved out the exceptions for the special Act. Accordingly, it was ruled by the Constitution Bench that **Krishna Pillai** (supra) was not the authority for deciding the question as to what is the relevant date for the purpose of computing the period of limitation under Section 468 Cr.PC.

5.5.2 It is a matter of jurisprudential interest that while upholding the law in **Bharat Kale** (supra) and **Japani Sahoo** (supra) and in discarding the proposition laid down in **Krishna Pillai** (supra), the Constitution Bench underscored the importance of legal maxims in the interpretational process for which the criticism was sought to be levelled in the decision in **Bharat Kale** (supra) and **Japani Sahoo** (supra) that the ratio thereof heavily leaned towards the legal maxims. The Bench dispelled the submission that legal maxims could not have been utilised to expand and interpret the statutory provisions.

5.5.3 It was aptly observed,

> "It is true that in *Bharat Kale* and *Japani Sahoo*, this Court has referred to two important legal maxims. We may add that in [*Vanka Radhamanohari* v. *Vanka Venkata Reddy*, (1993) 3

> SCC 4 : 1993 SCC (Cri) 571] , to which our attention has been drawn by the counsel, it is stated that the general rule of limitation is based on the Latin maxim *vigilantibus et non dormientibus, jura subveniunt*, which means the vigilant and not the sleepy, are assisted by laws. We are, however, unable to accept the submission that reliance placed on legal maxims was improper. We are mindful of the fact that legal maxims are not mandatory rules but their importance as guiding principles can hardly be underestimated."
>
> (Para 17)

5.5.4 Referring to Herbert Broom's work '*Broom's Legal Maxims*' (10th Edition, 1939), it was highlighted that the importance of legal maxims has to be acknowledged in the process of development of law. It was observed that in the ruder ages, the majority of questions in relation to the rights, remedies and liabilities of private individuals were determined by an immediate reference to such maxims, many of which are obtained in the Roman Law. It was expressed that the legal maxims are manifestly founded in reason, public convenience and necessity.

5.6 It has to be added that the legal maxims which trace their origin and birth in the experience of the older times and emerge in the progress of civilization, blend reasonableness, wisdom, truthfulness and objectivity, to be

much useful in developing the legal concepts out of the codified law and in interpreting the statutory provisions. They play role of enriching the interpretational contents and adding to the jurisprudential stuff.

5.7 Without straying any further, it is to be noted that the Constitution Bench in **Sarah Mathew** (supra) adverted to the meaning of the expression 'taking cognizance', to observe that the same has not been defined in the Code but it is of definite import and signifies the stage where the Magistrate applies his mind to the suspected commission of an offence, which indicates the point when a Court or Magistrate takes judicial notice of an offence with a view to initiate proceedings in respect of such offence said to have been committed by the alleged offender.

5.7.1 There is no gainsaying, as observed in **S.K. Sinha, Chief Enforcement Officer v. Videocon International Ltd. and Others**[11] that whether or not a Magistrate has taken cognizance of an offence depends on the facts and circumstances of each case and no rule of universal

[11] **(2008) 2 SCC 492**

application can be laid down as to when a Magistrate can be said to have taken the cognizance.

5.7.2 As observed by the Constitution Bench, the point of time when cognizance is taken by the court or the magistrate cannot supply certain, definitive or dependable criteria to treat it relevant for the purpose of reckoning the limitation period. There are inherent vagaries in such aversion,

> '…a Magistrate takes cognizance when he applies his mind or takes judicial notice of an offence with a view to initiating proceedings in respect of offence which is said to have been committed. This is the special connotation acquired by the term "cognizance" and it has to be given the same meaning wherever it appears in Chapter XXXVI. It bears repetition to state that taking cognizance is entirely an act of the Magistrate. Taking cognizance may be delayed because of several reasons. It may be delayed because of systemic reasons. It may be delayed because of the Magistrate's personal reasons.'
>
> (Para 34)

5.8 The justification drawn for the proposition is that it is the date of filing of complaint which is relevant for the purpose of applying limitation, with reference to the provisions of Section 473, Cr.PC. The following observations from the Constitution Bench judgment in **Sarah Mathew** (supra) may be pertinently seen,

'The role of the court acting under Section 473 was aptly described by this Court in *Vanka Radhamanohari* [(1993) 3 SCC 4] where this Court expressed that this section has a non obstante clause, which means that it has an overriding effect on Section 468. This Court further observed that : (SCC p. 8, para 6)

> "*6.* … There is a basic difference between Section 5 of the Limitation Act and Section 473 of the Criminal Procedure Code. For exercise of power under Section 5 of the Limitation Act, the onus is on the appellant or the applicant to satisfy the court that there was sufficient cause for condonation of the delay, whereas, Section 473 enjoins a duty on the court to examine not only whether such delay has been explained but as to whether it is the requirement of the justice to condone or ignore such delay."

These observations indicate the scope of Section 473 Cr.PC. Examined in the light of legislative intent and meaning ascribed to the term "cognizance" by this Court, it is clear that Section 473 Cr.PC postulates condonation of delay caused by the complainant in filing the complaint. It is the date of filing of the complaint which is material.'

(Para 36)

5.8.1 The Constitution Bench proceeded to explain further,

> '…there has to be some amount of certainty or definiteness in matters of limitation relating to criminal offences. If, as stated by this Court, taking cognizance is application of mind by the Magistrate to the suspected offence, the subjective element comes in. Whether a Magistrate has taken cognizance or not will depend on facts and

> circumstances of each case. A diligent complainant or the prosecuting agency which promptly files the complaint or initiates prosecution would be severely prejudiced if it is held that the relevant point for computing limitation would be the date on which the Magistrate takes cognizance. The complainant or the prosecuting agency would be entirely left at the mercy of the Magistrate, who may take cognizance after the limitation period because of several reasons; systemic or otherwise. It cannot be the intention of the legislature to throw a diligent complainant out of the court in this manner.'
>
> (Para 37)

5.8.2 The following were further stated,

> 'Besides, it must be noted that the complainant approaches the court for redressal of his grievance. He wants action to be taken against the perpetrators of crime. The courts functioning under the criminal justice system are created for this purpose. It would be unreasonable to take a view that delay caused by the court in taking cognizance of a case would deny justice to a diligent complainant. Such an interpretation of Section 468 Cr.PC would be unsustainable and would render it unconstitutional.'
>
> (Para 37)

5.8.3 It was further observed in Paragraph 45 that the Court in interpreting and asserting the proposition of law that the relevant date for the purpose of computing limitation is the date of filing of complaint or initiation of proceedings, and not the date when the court or magistrate takes cognizance of the offence, did not mean supplying

casus omissus, but was only amounted to carrying out the intention of the legislature by ascertaining such intention. Ascertaining the intention of legislature, opined the Court, is the judicial function.

5.8.4 With such rich amount of reasoning, the Constitution Bench propounded the law thus,

> 'In view of the above, we hold that for the purpose of computing the period of limitation under Section 468 Cr.PC the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance. We further hold that *Bharat Kale*, [(2003) 8 SCC 559], which is followed in *Japani Sahoo*, [(2007) 7 SCC 394] lays down the correct law. *Krishna Pillai* [*Krishna Pillai* v. *T.A. Rajendran*, [1990 Supp SCC 121] will have to be restricted to its own facts and it is not the authority for deciding the question as to what is the relevant date for the purpose of computing the period of limitation under Section 468 Cr.PC.'
>
> (Para 51)

6. The more recent decision in **Amritlal v. Shantilal Soni and Others**[12] reiterates the position of law. The facts involved in the case were that the appellant filed a written complaint on 10.07.2012 to the Superintendent of Police, Khachrod, claiming that he had entrusted 33.139 kilograms

[12] **(2022) 13 SCC 128**

of silver to the respondent on 04.10.2009 and the respondent refused to return the same when the demand was made by the appellant. FIR No. 289 of 2012 came to be registered. After investigation, the Police filed charge-sheet on 13.11.2012 against Respondent Nos. 1 and 2. Thereafter, the Judicial Magistrate First Class, Khachrod took cognizance on 04.12.2012 and then framed charges on 12.09.2013.

6.1 The order framing of charges came to be challenged by the respondent-accused by filing Revision Application under Section 397, Cr.PC on the ground *inter alia* that taking of cognizance by the Magistrate was barred by limitation. When the plea was negatived and the orders were challenged, the High Court took the view that taking of cognizance on 04.12.2012 by the Magistrate was barred by limitation, consequently, the High Court quashed the proceedings.

6.2 The following view taken by the High Court came to be disapproved in the decision of the Constitution Bench in **Sarah Mathew** (supra),

> 'On cumulative consideration of the aforesaid discussion, this Court is of the view that the date of offence is very well known to the complainant i.e. 4-10-2009 and he lodged F.I.R. on 19-7-2012 i.e. after 2 years 9½ months of the alleged incident and the Police has filed charge sheet on 4-12-2012 after a period of three years of the alleged incident, on which basis, the Magistrate has taken cognizance of the offence against the petitioners on 4-12-2012 which was barred by limitation, therefore, the trial court as well as Revisional Court have committed error of law in rejecting the plea taken by the petitioners regarding maintainability of the prosecution on the ground of limitation.'
>
> (Para 20)

6.3 The categorical law laid down by the Constitution Bench in **Sarah Mathew** (supra) was so applied in **Amritlal** (supra) to hold that the complaint was filed on 10.07.2012, which was within a period of three years with reference to the date of commission of offence,

> 'Therefore, the enunciations and declaration of law by the Constitution Bench in *Sarah Mathew case*, [(2014) 2 SCC 62], do not admit of any doubt that for the purpose of computing the period of limitation under Section 468 Cr.PC, the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance of the offence. The High Court has made a fundamental error in assuming that the date of taking cognizance i.e. 4-12-2012 is decisive of the matter, while ignoring the fact that the written complaint was indeed filed by the appellant on 10-7-2012, well within the period of limitation of 3 years with reference to the date of commission of offence i.e. 4-10-2009.'
>
> (Para 11)

7. In the present case, learned counsel for the respondents made a vain attempt by referring to the definition of 'complaint' in Section 2(d) as well as definition of 'police report' in Section 2(r), Cr.PC, and further taking resort to the provisions of Section 173, which deals with the 'Report to Police Officer on Completion of Investigation', and Section 190 under which the Magistrate takes cognizance of the offences upon receiving a complaint of facts which constitute the offence or upon a police report of such facts or upon information received from any person other than police, submitted that the Constitution Bench judgment in **Sarah Mathew** (supra) was related to a case where the complaint was filed before the Magistrate, whereas in the instant case, the FIR was filed and subsequently, the Magistrate took cognizance.

7.1 It was submitted that in view of the difference in working of the provisions, especially under the provisions of Section 173 onwards, and having regard to the distinction between 'complaint' defined in Section 2(d) and the 'police report' defined in Section 2(r), Cr.PC, and when the

'complaint' in Section 2(d) does not include the police report, the Constitution Bench judgment is distinguishable and the instant being the complaint case, the principle laid down in **Sarah Mathew** (supra) will not apply.

7.2 The above submission is stated to be rejected. The computing point of limitation for the purpose of Section 468, Cr.PC is held to be the date of filing complaint – the date of initiation of criminal proceedings. Whether the case belongs to one instituted before the Magistrate under Section 173 or it is upon a complaint filed before the police, what matters is the date of initiation of criminal proceedings.

7.3 The criminal proceedings can be said to have been initiated in both categories of complaint when the complaint is filed before the Magistrate or FIR is lodged before the police, as the case may be. It remains a complaint made either to the Magistrate or to the police to become the starting point of initiation of criminal proceedings.

7.4 The relevant date as held by **Sarah Mathew** (supra) would be the date of filing of complaint or, differently stated, the date of initiation of criminal proceedings. Therefore, the

submission on behalf of the respondents on this count falls flat.

8. As disclosure of honest and full facts before the Court is part of the fair conduct on the part of lawyers, respecting the binding precedence of the judgments and conceding its applicability in a case is also a duty in fairness to be discharged by the advocates in conducting their case. They are part of the system of administration of justice and are not expected to breach the rules of the game to argue against settled principles or contrary to well settled law, just for the sake of doing it. Giving up an argument where a point of law is already decided is a professional virtue. It is part of ethics in professional conduct before the Court.

8.1 As the courts are bound by the law of precedent and to follow the law laid down in the binding judgment of the Constitution Bench, the lawyers are also expected to respect the strong-operated precedent emanating from a judgment holding the field unless exceptional grounds exist to distinguish the decision are available. Merely for the purpose of demonstrating the argumentative skill, the

lawyers ought not to eat up the valuable public time of the court by making the submissions, which are worthless against binding precedent.

8.2 It is to be noticed that even in **Amritlal** (supra), a failed contention was advanced seeking to submit that the date of cognizance by the Magistrate was required to be applied inasmuch as the decision in **Sarah Mathew** (supra) needed reconsideration on the ground that several aspects relating to the purpose of Chapter XXXVI, Cr.PC, have not been taken into consideration and the Court had not comprehensively dealt with the provisions relating to the bar of limitation.

8.3 Rejecting such contention, the Court in **Amritlal** (supra) observed, and this Court reiterates the same,

> 'A decision of the Constitution Bench of this Court cannot be questioned on certain suggestions about different interpretation of the provisions under consideration. It remains trite that the binding effect of a decision of this Court does not depend upon whether a particular argument was considered or not, provided the point with reference to which the argument is advanced, was actually decided therein [Vide *Somawanti* v. *State of Punjab*, 1962 SCC OnLine SC 23 : AIR 1963 SC 151, para 22] . This is apart from the fact that a bare reading of the decision in *Sarah*

> *Mathew,* (2014) 2 SCC 62 would make it clear that every relevant aspect concerning Chapter XXXVI Cr.PC has been dilated upon by the Constitution Bench in necessary details.'
>
> (Para 13)

9. It has to be asserted that the Constitution Bench judgment is a beckoning binding precedent and the courts are bound by it. There cannot be any room to travel beyond the four corners of the binding nature thereof by raising spacious argument that the particular aspect was missed or that the particular contentions was not canvassed. Such stock contentions cannot dilute the law laid down by the Constitution Bench and its unimpeachable precedential value.

10. As a consequence of all the foregoing reasons and discussion, it is to be held that the High Court committed a patent error in quashing the FIR No. 121 of 2011 on the ground of limitation, taking an erroneous view that the date of taking cognizance by the Magistrate is relevant. As held by the Constitution Bench in **Sarah Mathew** (supra), the relevant date for the purpose of reckoning the limitation

under Section 468, Cr.PC is the date of filing of complaint or the date of initiation of criminal proceedings.

11. The impugned order dated 30.01.2025 in Crl. M.C. No. 1170 of 2017 and Crl. M.A. No. 7270 of 2016 by the High Court are hereby set aside. The Appeals stand allowed. The trial shall expeditiously proceed in accordance with law.

Interlocutory application, if any pending, shall not survive.

.....,J.
[PRASHANT KUMAR MISHRA]

.....,J.
[N.V. ANJARIA]

NEW DELHI;
APRIL 09, 2026.