

MHTH030032502022

**Cri.M.A./438/2022****Gajra Home Makers Pvt Ltd., through Sudhir Govindran Vs.
Bhommi Lawns CHS Ltd.****ORDER BELOW EXH.1**

Perused complaint, verification and documents.

2] Heard the Ld. counsel for complainant. On examination of the allegations made in complaint and statement of the complainant on solemn affirmation, I am of the opinion that prima-facia case is made out against accused No.1 to 16 for the offence punishable u/s 406, 420 r/w. 120B and 34 of I.P.C. As per the facts, the allegations are in respect of non payment of maintenance amount by flat holders and obstruction to the complainant for selling unsold flats. I have gone through the non cognizable offence registered with Shil-Dighar Police Station. As per the said report on 03-03-2020 at 05.30pm accused persons manhandled, abused and wrongfully restrained the employees of complainant. In the view of facts and circumstances, the offence alleged to have committed in the incident dated 03.03.2020 are not such that the police investigation for search and seizure is warranted. Hence, I do

not find the police investigation as per section 202 of Cr.P.C. is required in the present matter. The offence can very well be inquired in the Court. Accordingly, I pass, following order:

-: O R D E R :-

1. Issue process against accused No.1 to 16 for the offence punishable u/s 406 and 420 r/w. 120B and 34 of I.P.C. vide section 204 of Cr.P.C.
2. The application shall be re-registered as R.C.C. Case.

Sd/-

Place: Thane
Date :03/08/2022

(M.D.Nanaware)
Judicial Magistrate, First Class,
Court No.06, Thane.