

**THE COURT OF PRINCIPAL CIVIL JUDGE AND JUDICIAL MAGISTRATE OF
FIRST CLASS, AHWA, NAVSARI**

:: ORDER BELOW EXHIBIT 1::

Application under Section 156(3) of the Code of Criminal Procedure, 1973 (CRPC) for direction to register FIR and investigate the cognizable offence.

1. The present application has been filed by the applicant under Section 156(3) of the Code of Criminal Procedure, 1973 (CRPC), seeking a direction to the police to register an FIR and investigate the alleged commission of cognizable offence by the accused persons.

2. Before proceeding to examine the merits or otherwise of the allegations, it is necessary for this Court to satisfy itself whether the mandatory procedural requirements prescribed by law for maintaining such an application have been fulfilled.

3. The Hon'ble Supreme Court of India, in the landmark judgment of Priyanka Srivastava & Anr. vs. State of U.P. & Ors. (2015) 6 SCC 287, while dealing with the provision under Section 156(3) CrPC, categorically held that every application seeking a direction for police investigation must necessarily be supported by a duly sworn affidavit by the applicant. The Court observed that this requirement ensures that the applicant is conscious of the allegations being made and deters frivolous or false complaints, as the deponent would be liable for prosecution in case of a false affidavit.

4. In the instant case, the application filed by the applicant is not supported by any affidavit as mandatorily required by law as laid down by the Hon'ble Supreme Court in Priyanka Srivastava (supra). No affidavit verifying the contents of the application has been filed along with the application.

5. The requirement is a condition precedent for invoking the extraordinary jurisdiction of the Magistrate to direct a police investigation. Due to the non-fulfilment of this essential statutory and judicially mandated requirement, the present application is not maintainable.

:: ORDER ::

Accordingly, for the reasons stated above, the present application under Section 156(3) of the Code of Criminal Procedure, 1973 (CRPC) is hereby dismissed.

No order as to cost

Date: 02/04/2026
Place – Ahwa

Principal Civil Judge & JMFC
Ahwa Navsari
JO Code GJ01729