

**IN THE COURT OF THE JUDICIAL MAGISTRATE (F.C.)
30TH COURT, KURLA, MUMBAI.**

C.C.NO. 5102453/MISC/2024

Ms. Soni Jitendra Parmar

... Complainant/Applicant

V/s.

Viresh Joshi (AAEPJ2694R)

... Accused

ORDER BELOW EXH. 1

Read the application supported by affidavit. Heard Ld. Adv. Jariwala for the applicant. Perused the documents filed by the applicant.

2. Upon such hearing and consideration, it appears that this is application filed by applicant u/sec. 175(3) of Bhartiya Nagrik Suraksha Sanhita, 2023 for issuing direction to Sion Police Station to register the crime as alleged and investigate the matter in accordance with law Contending that the proposed accused have committed the offence punishable u/sec. 314, 316(2), 318(4), 335, 336 (2), 338, 336(3), 344, 61(2) r/w. 3(5) of Bhartiya Nyaya Sanhita, 2023 which is cognizable offence. Therefore, he approached to Sion Police Station with his complaint with allegation of commission of cognizable offence. However, the police have not taken action on his complaint. Therefore, he made his grievance to Deputy Commissioner of Police by sending the copy of his complaint and complaining that concern Sion Police Station has not taken cognizance of his complaint. Still, no offence has been registered or any action has been taken by the police. Therefore, he made present application before this Court.

3. On going through the averments made by the applicant in the application and perusing the documents annexed by him along with this application, it reveals that there is not merely civil dispute but the act of the proposed accused is offensive in nature, which is cognizable offence in nature. It reveals that the cognizable offence as alleged by the applicant has been committed by the proposed accused. Therefore, as per section 173 of Bhartiya

Nagrik Suraksha Sanhita 2023, being the offence is disclosed as cognizable one, the police must have taken the cognizance of same in accordance with law. However, the police appears to have failed to take action. The averments in the application also disclosed that the intervention of police for collection of evidence and recording of statements of the witness relating to the documents which are alleged to have been forged appears to be necessary. The applicant has complied with the provisions u/sec.173(1) and 173(4) Bhartiya Nagrik Suraksha Sanhita, 2023. Therefore, in the interest of justice, the direction appears to be necessary to be issued to the Sion Police Station as prayed by the applicant. Hence, the application deserves to be allowed. Hence, the order.

ORDER

1. Application is allowed.
2. Sion Police Station is hereby directed to register and investigate the offence alleged by the applicant in this application as per section 175(3) of Bhartiya Nagrik Suraksha Sanhita, 2023 in accordance with law.
3. The original application/complaint (Ex.1) and documents annexed there to be sent along-with the copy of this order to Sion Police Station by keeping photo copy on record of this Court.
4. This application is disposed of accordingly. Send it to record room.
5. Issue letter to Sr. Police Inspector of Sion Police Station accordingly.

garad
19-12-2024
(Santosh H. Garad)

Judicial Magistrate (F.C.)
I/c. 51st Court, Kurla, Mumbai.

Date : 19/12/2024

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