

MHND030052492024

**Other Misc.Cri.Appln/729/2024****Keshav and others****Vs.****Gajanan and Ors.****ORDER BELOW EXH.1**

(Passed on 02.03.2026)

This is an application filed for issuing directions to the Gramin Police Station, Nanded as per Sec. 175(3) of Bharatiya Nagrik Suraksha Sanhita, 2023 for the offences punishable under Sec. 332(c), 137(2), 140(1), 217, 195A, 318(4), 61, 115, 352, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023.

2. The say of concerned police officer is called as per Sec. 175(3) of BNSS. The concerned police officer filed his reply below Exh. 8.

3. Perused the application and reply filed thereon by the concerned police officer. Heard, the Ld. Advocate for the applicants. Considered his submissions.

The Facts necessary for the determination of the present application are described in nutshell as under :

4. It is contended by the applicants that they are residents of Gadegaon. The proposed accused persons are the relatives of applicants. On 13/05/2024, at about 2.00pm to 2.30 pm, the proposed accused persons accompanied with 8 to 10 persons entered in the house of the applicants, abused them and threatened to kill them. The proposed accused persons forcefully took the applicants with them in their vehicle. The proposed accused persons asked the applicant no. 2 to take his cheque book with him and accordingly, the he took his

cheque book with him.

5. It is further contended by the applicants that the proposed accused persons brought the applicants near the Court building. The proposed accused persons purchased some bonds in the name of the applicants. On the same day, i.e. on 13/05/2024, at about 4.00 pm to 5.00 pm, the proposed accused persons told the applicants to put their signatures on the bond papers in presence of 7 to 8 persons. They made false documents in the name of the applicants on bond papers. They used bond no. 82AA 995143, bond no. 82AA829027, bond no. CE 264249 and bond no. CE 264527 for making documents titled as agreement for sale, reminder deed of agreement, reminder deed of agreement and agreement respectively. The aforesaid documents were notarized.

6. It is also contended by the applicants that the proposed accused persons took signatures of the applicant no. 2 on five blank cheques of Abhyudaya Bank and forcefully took those cheques with them. The applicant no. 2 gave an application in writing dated 14/05/2024 to the Branch Manager of Abhyudaya Bank, Branch New Mondha, Nanded and requested the bank not to encash those cheques. However, the proposed accused persons misused those cheques.

7. It is further contended by the applicants that they approached Gramin Police Station, Nanded as well as Superintendent of Police, Nanded to give information of the aforesaid incident to which they did not pay heed. Hence, they have knocked doors of the Court by moving the present application. At last, they have prayed to allow the present application and have sought directions from this Court to direct the Gramin Police Station, Nanded to lodge FIR against the proposed accused persons.

8. Before touching the merits of the present application, it is necessary to point out some important ingredients as following to be fulfilled in order to issue directions under Sec. 175(3) of Bharatiya Nagrik Suraksha Sanhita, 2023 -

- a. The allegations must be in respect of commission of cognizable offence,
- b. The applicants should have approached the concerned police station for giving the information about the commission of cognizable offence and there should be refusal on the part of officer in charge of police station to record the information of cognizable offence,
- c. The applicants should send the substance of the information, in writing and by post to the Superintendent of Police,
- d. There should be failure on the part of Superintendent of Police to investigate the case,
- e. The application under Sec. 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 must be supported by affidavit,
- f. There must be necessity of police investigation for digging out the evidence which is neither in possession of the applicants nor can be procured without the assistance of police,
- g. The contents of application constituting the allegations should be considered as true without looking into the veracity of those allegations.

9. Perused the record of present proceeding. It appears that, the present application is supported with the affidavit as required by the statute. Thereafter, the document filed by the applicants below list Exh.4/1 shows that the applicant had approached at Gramin Police Station, Nanded as well as the office of Superintendent of Police,

Nanded for giving the information of the alleged incident. Thus, it appears that the applicants have duly complied with the necessary compliance before filing of the present application.

10. Now, I move towards scrutinizing whether the information as mentioned in the present application discloses the commission of offences punishable under Sec. 332(c), 137(2), 140(1), 217, 195A, 318(4), 61, 115, 352, 351(2) and 351(3) of Bharatiya Nyaya Sanhita, 2023.

11. Perused the photocopies of alleged forged document filed by the applicants at list Exh. 5/2 to Exh. 5/5. Also perused the photocopy of the application given by the applicant no. 2 to the Branch Manager of Abhyudaya Bank, Branch New Mondha, Nanded. Also perused all other documents filed below list Exh. No. 5. The applicant has filed a photocopy of NCR No.90/2026 dated 26.02.2026 registered against Jayprasad Jadhav, Balaji Bharti and Sunil Waghmare for the offences punishable under section 115(2), section 352, section 351(2), section 351(3) r.w. section 3(5) of Bhartiya Nyaya Sanhita, 2023.

12. On reading the information described in the present application by considering the contents therein as true and after going through the documents placed below list Exh.5, I find that, the dispute occurred in the applicants and the proposed accused persons is civil in nature. The information as stated in the present application does not disclose commission of cognizable offence punishable under section 318(4) of the Bhartiya Nyaya Sanhita, 2023. The information as stated in the present application does not reflect as to how the proposed accused persons have committed the offence of cheating against the applicants. Furthermore, the information does not fulfill the essential ingredients of the offences punishable under section 115, section

332(c), section 137(2), section 140(1), section 217 of Bhartiya Nyaya Sanhita, 2023. So far as the offences punishable under section 352, section 351(2) and section 351(3) of the Bhartiya Nyaya Sanhita, 2023 are concerned, the contents of the application are totally silent about the actual words used by the proposed accused persons to insult or threaten the applicants.

13. Thus, the information as narrated in the present application does not disclose the commission of any cognizable offence.

14. In view of the aforesaid reasons and discussion, the present application is liable to be rejected. Therefore, I pass following order :-

ORDER

- 1) The application is rejected.

Sd/-

(A. G. Chavhan)

Judicial Magistrate First Class,
Court No.07, Nanded

Date : 02/03/2026

CERTIFICATE

I affirm that the contents of this PDF file order is same word to word, as per the original order.

Name of Stenographer	:	Majage N. G.
Name of Court	:	7 th Jt. J. M. F C., Nanded
Date	:	02/03/2026
Order signed by the P. O. on	:	02/03/2026
Order uploaded on	:	02/03/2026