

MHNG030149772021



Order Below Exh.01-
(Dated-07/12/2021)

1] This miscellaneous criminal application has filed for issuing direction to the PSO Police Station Pardi, Nagpur u/s 156(3) of the Criminal Procedure Code.

2] The applicant submit that the accused namely- Manish Shamsundar Batra induce him to enter into the contract and to sold the coal and thereby obtained the coal of worth near about Rs.1,00,00,000/-, however, huge amount were unpaid. The advocate for the applicant submit that accused Manish never intend to carried out the business with the applicant he only enter into the contract to cheat the informant and induced to deliver his property. Till today more than Rs. 75,00,000/-amount was pending against the Manish Batra. Many times applicant approached him, however, not succeed to recovered it. The advocate of applicant also submit that due to the inducement of accused Batra, the applicant sold the coal, however accused never intend to pay the consideration of the said coal. When the said intention of accused realized by the applicant he approached to the Police Station to lodge report for the offence, however, the PSO Police Station refused to lodge FIR. Therefore he approached

to the Commissioner of Police, Nagpur on 10-07-2021, however no action is taken. The Advocate for applicant also submits that the alleged offence are cognizable, however, the PSO Police Station as well as Superior Officer fails to register first information report, therefore necessary direction must be necessary.

3] On giving thoughtful consideration to the contention of the applicant and after going through the documents on record it reveals that the contention of applicant prima-facie disclosed commission of cognizable offence. More so the application is annexed with the affidavit. Status report is also called on from the concerned Police Station Officer. It also contend that there was a transaction and amount was unpaid. As per the contention of applicant it is appeared that the accused cheat the informant and thereby induced him to deliver the coal. Thus, it is prima-facie appears that the accused committed an offence of punishable under section 420 of IPC. The said offence is cognizable in nature. As such allegation are serious one. The nature of offence throws open possibility of seizure of the coal or seizure of amount and evidence which may be required in the present matter is of such a nature that the applicant does not have assistance to collect it and that it can be collected only by an investigation agency. Furthermore, during investigation some vital unknown facts can be dictated by an investigation agency. Considering the serious allegations, in the interest of public at large it is desirable to order

investigation for an effective or efficient prosecution in the present matter. Hence, for all the above reasons I am of the view that order under section 156(3) of Code of Criminal Procedure needs to be pass in the present matter. Hence, following order.

Order

1. Application is allowed.
2. The Police Station Officer, Lakadganj, PS, Nagpur is hereby directed to register the case treating the complaint as FIR against the accused for the offence punishable u/s 420 of IPC and investigate the matter and to file report in the present matter as provided under Section 156(3) of Code of Criminal Procedure.
3. The applicant is directed to filed within a 30 days certified copy of the main application, order thereon and document on record for the purpose of sending the record to the concern police station for necessary compliance.
4. The AS of this court is directed after obtaining certified copy of order, application along-with copies of documents filed on record be sent to be P.S.O. Police Station Lakadganj, Nagpur for necessary compliance.
5. In view of above order, matter stands disposed off.

Dated- 07/12/2021.

V.M.Deshmukh)
JMFC Court No.3 Nagpur

