

**Order below Exh.No.1 in Cri.M.A.No. 374/2021**  
(Gaurav Vs. Mahesh & Ors.)

Perused the application, affidavit of applicant and documents filed on record. Heard learned advocate Shri. P. K. Raut for the applicant at length.

**02.** It is submitted on behalf of applicant that, the accused persons are running the Educational Institutions. In the year 1999 to 2002 the accused persons have fabricated some false and bogus documents in respect of land in Gat No. 361 situated at Kharda Tal. Jamkhed. As per the said bogus documents the accused persons have cheated with the Government and University and obtained the grant from them. The applicant had filed R.C.S. No. 16/2014 and got measured his land by fixation of boundaries but, the accused persons have by using bogus documents cheated with the applicant.

**03.** The Ld. Advocate Shri. P.K. Raut further urged that, the applicant made complaints against the accused to Police Station, University Grant Commission, Tahsil of Office and Superintendent of police Ahmednagar, the applicant also did hunger strike against the accused but all efforts of applicant are in vain. Therefore, the applicant filed present application and sought direction to police for investigation under Section 156(3) of Cr.P.C.

**04.** It seems from the record that, the application of applicant is duly supported with an affidavit and also made proper compliance which is mandatory as per section 154(3) of Cr. P. C. as observed by the Hon'ble apex court in *Priyanka Shrivastav and another Vs. The State of*

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Cri.M.A. No. 374/2021  
CNR No. MHAH21-001759-2021  
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*U.P. and others, A.I.R. 2015, S.C. 1758.*

05. The applicant much more emphasized upon encroachment made by the accused persons over the land of applicant situated at Gat No. 361. The applicant also filed on record the copy of map to show the said encroachment. It is pertinent to mention that, the dispute of encroachment by the accused is Civil in nature. As far as the allegations made by the applicant about fabrication of false and bogus documents by the accused persons and obtaining of grant from the University Grant Commission as well as State Government, the applicant has not produced any such documents which shows to be fabricated by the accused.

06. Considering the factual matrix of case and in view of aforesaid discussion, I find there is no necessity to send the matter for police investigation under section 156(3) of Cr. P.C. Hence, I pass the following order.

**ORDER**

1. The prayer for seeking directions U/sec. 156(3) of Cr.P. C. is rejected.
2. The application be treated as complaint and put up for verification of the complainant U/sec.200 of Cr.P. C. if the complainant desires.

Date : 05/02/2022

( Rajnikant S. Jagtap )  
Judicial Magistrate First Class,  
Jamkhed