



Sanjay Mohan Bhand

Vs.

Manisha Sanjay Bhand

ORDER BELOW EXH. 1 IN CRI. MISC. APPLICATION NO.1070/2023

This is an application filed by the applicant seeking relief of directions under section 156(3) of the Code of Criminal Procedure against the accused.

2. Applicant contended that, non applicant no.1 is his wife and non applicant no.2 is father in law. He submitted that there are family dispute between them. Non applicant No.1 has filled Domestic violence petition against the present applicant. On 26/01/2023 at about 5 am while applicant was sleeping at his house, the door of the house suddenly rang. As soon as the complainant wake up and open the door, non applicants and unknown persons entered the applicant house and started beating him.

3. The applicant went to the concerned police station. However, the concerned police officer has not lodged a report but they registered NC against non applicant. Thereafter, the applicant has given written complaint to the superintendent of police. However, no action has been taken against the accused till the date. The accused have committed the offence punishable under Sections 452,383,294,323, 504, 506, 509 of the Indian Penal Code. Hence, prayed for the directions to the concerned police officer to register an FIR and investigate as per Section 156 (3) of the Code of Criminal Procedure.

4. Read the application. Heard learned advocate for the

applicant. Perused the record. The present application is supported with an affidavit. The applicant has filed a copy of complaint dated 26.01.2023 on record. From perusal of said notice it appears that the applicant has sent a written complaint to the superintendent of police on 26.01.2023. Therefore, it appears that the applicant has duly complied with mandates of Section 154 of the Code of Criminal Procedure.

5. The applicant also contended that, the accused have assaulted him and also insulted him with filthy language. The Police registered NC against non applicant. The applicant further contended that the accused have threatened her to endanger her life. However, the offence punishable under Section 323, 504, 506 of the Indian Penal Code are non cognizable in nature. Furthermore section 383 of IPC is not attracted in the present case. Therefore, it would not be proper to direct the police officer to investigate in said non cognizable offences.

6. Therefore, considering the above discussion and observations the applicant is failed to bring on record sufficient material to show the commission of cognizable offences in present matter. Therefore, in this circumstances it would not be proper to direct the police officer to register an FIR and to investigate as per Section 156 (3) of the Code of Criminal Procedure. Hence, I pass the following order:

ORDER

1. Prayer for the direction to investigate the matter by police under Section 156(3) the Code of Criminal Procedure is rejected.

(SNEHAL S JADHAV)

Date: 12.03.2026

Judicial Magistrate First class

Place: Aurangabad

(Court No. 13), Aurangabad

