

MHAU030096792025



ORDER BELOW EXH.1 IN E-CRI. MISC. APPLN. NO. 1504/2025

By way of present e-application complainant has prayed for direction to I.O. Karmad police station under Section 156 (3) of Criminal Procedure Code and 175 of BNS

02. Complainant submitted that, the he purchased area 2 acre land from Gat No.87 situated at Jadgaon Feran, Dist. Aurangabad. He is in the possession of the land since purchase. That the since the complainant on dt. 11/11/2024 purchased this land legally and with the norms of the government the accused are creating obstacles. When the complainant and his family on 12/1/2025 at 11-00 a. m. when they went to inspect the agricultural land at around 10-00 a. m. the accused Narayan Khandu Tapkire and his children's i.e. the present co accused came to the farm of the complainant and said to the complainant that whey did you buy this land. We wanted to buy this land . Did you get more money ? We see how you farm here if you even set foot in the field, we will cut of your hand and p[it and kill you “ After that when the complainant went to explain to them, the accused No. 1 and his childrens abused the complainant loudly and seeing the fight escalated the complainant and his sone left the place. The complainant went to the police station and CP office also but they did not took the cognizance the copy of the complainant made are herewith annexed with this application. That the said farm land is duly purchased by the complainant from previous owner. The said

accused have nothing to do with the said land. They are arguing in the land of the complainant for no reason. They are violating the legal right of the complainant. However, if legal action is not taken against the said accused, the possibility of committing a serious crime in the future by the said accused cannot be ruled out. So he has prayed for direction to I.O. Karmad police station under Section 156 (3) of Criminal Procedure Code to investigate the matter and register FIR. Submission of concerned police station was called they submitted that they have called the non-applicant they submitted that their father purchased land gut no 87 area 1 H 60 R from Shaikh Babumiya but their name is not recorded inspite of the request to vendor and his son but they have not done and meanwhile sold the property to the present applicant. They have filed application to Tahsildar to not mutuate name of the applicant and have produced certain documents

03. Heard Ld. Advocate for complainant and perused the record.

04. On perusal of application it appears that, complainant's prayer is to give direction to police under Section 156 (3) of Criminal Procedure Code / 175 of B. N. S.. From the contents of complaint as well as submission of police prima facie land dispute of civil nature is raveled. Moreover allegations in the complaint it nowhere requires the necessity of police investigation. There is nothing is to recover. Those allegations made by the complainant against the accused in respect of incident can be established by complainant by way of oral evidence of him and his family members who were present at the time of incident . For giving direction under section 156 (3) of Code of Criminal Procedure or 175 (3) OF BNS the necessity of police investigation needs to be considered. Merely the offences are

cognizable one and the other compliance is made by complainant, will not be ground to allow this application but Court has to see whether there is actual necessity of police investigation. As discussed above there seems no necessity of police investigation in present case. Therefore, prayer of complainant cannot be granted. Hence, I pass following order :

ORDER

1. Prayer of complainant in respect of direction under Section 156 (3) of Code of Criminal Procedure is hereby rejected.
2. The complaint to keep himself or his witnesses available for verification under section 200 of code of criminal procedure if he desires.

Aurangabad.
Date: 28 /11/2025

(Smt. S. H. Panhale)
Judicial Magistrate First Class,
(Court No. 5), Aurangabad.