

MHAU030376692025



Cri.M.A. 4487/2025

ORDER BELOW EXH.NO.1.

(Sharada Pravin Wahul Vs The State of Maharashtra)

(Passed on 07/08/2026)

01. This e-complaint is filed by the complainant for passing direction under Section 175(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023 .

02. It is the contention of the complainant that, On 23/10/2025 at around 8.00 pm, accused no. 2 Shashikant Ramrao Adhav entered the complainant's house while she was alone and after a long conversation with her, he held the complainant's hand and started molesting her and told her that he likes her and held her hand and said, sleep with me, due to which the complainant felt very ashamed and the complainant somehow escaped from his custody and went out of the house, due to which he ran away from there. When the complainant told this matter to her husband and nephew named Sahil Jawale, her husband they went to ask accused No. 2 Shashikant Adhav about it. At that time his wife accused No. 3 Varsha Shashikant Adhav, his brother accused No. 6 Ramrao Adhav, his brother accused No. 4 Kailas Adhav and his daughter accused No. 5 Rekha Kailas Adhav as well as accused No. 7 Pushpabai Ramrao Adhav, all accused No. 2 to 7 told him that how dare you come to us, they abused him and said that when the complainant's husband tried to explain to him, they were about to beat the complainant, but the complainant's mother-in-law rescue the quarrel.

03. That after resolving the dispute, on the same night between 11.30 pm, all the accused No. 2 to 7 conspired and called three goons from Jalna and they called the complainant and her husband Praveen Vahul and her son Adarsh Waghul, her daughter Vishakha Waghul, her mother-in-law Kaushalya and nephew Sahil Jawale out of the house and they all threatened and beaten them with sticks brutal. Accused No. 2 Shashikant Adhaav grabbed the complainant's hair and pulled her and abused her in obscene language and threatened her that they will kill them and they will register false cases against them and will defame them in the society and they will kill her husband .

04. That the lives of the complainant and her family have been threatened by all the above accused, the complainant's children are studying, her children's lives have also been threatened by them and The complainant also faces a threat to her modesty and life from accused No. 2 Shashikant Adhav. That when the complainant went to Usmapura Police Station to file a complaint regarding the above incident, the police there did not register the complainant as requested by the complainant, even though the complainant narrated the incident that happened to her, they only registered an N.C. case. Therefore, since the police did not register a complaint against accused No. 2 to 7, those accused No. 2 to 7 are telling the people that despite doing so much, the police did not do anything to them, now the complainant hand was only hold, now they will make the complainant walk naked on the road and is defaming the complainant in the society. Accused No. 2, whenever he sees the children of the complainant coming and going on the road, he says in their presence that the children of the prostitute are walking, due to which the complainant and her children are feeling very ashamed and as she is feeling ashamed due to their continuous dirty talk, the complainant repeatedly went to the police station to lodge a complaint, but the police did not register her

complaint, so finally the complainant went to the police station on 06/11/2025 to lodge a complaint at the Usmanpura Post Office, but her complaint was not registered.

05. That, when the complainant went to the above mentioned police station Usmanpura again on 06/11/2025 to lodge a complaint regarding this incident, the police did not register her complaint, therefore, on 07/11/2025, the complainant filed a complaint regarding the said incident with the Hon. Commissioner of Police, Police Commissioner's Office, Mill Corner, Ch. Sambhajinagar as well as the Hon. Deputy Commissioner of Police, Police Deputy Commissioner's Office, Dashmesh Nagar, New Usmanpura, Ch. Sambhajinagar, but they also took cognizance of the complainant's complaint and have not registered a complaint against the non-applicant till date. Therefore, the complainant filed this complaint and prayed for order under section 175 (3) of the BNNS.

06. Say of the police station was called they have submitted that NC has been filed bearing no.433/2025 on the complaint given by the complainant on 23-10-2025. Needless to say of the police is not binding on the court.

07. In view of Section 175 Bharatiya Nagrik Suraksha Sanhita, 2023, the Magistrate may give directions to the Police to investigate in to cognizable offence. However, before adverting to the provisions of Section 175 Bharatiya Nagrik Suraksha Sanhita, 2023 there has to be compliance for the provision of Section 173 of the Bharatiya Nagrik Suraksha Sanhita, 2023. It is appeared that complainant has filed complaint/report with the Commission of Police i.e. Superior officer. The copy of report filed with Karmad Police Station and to the Commissioner of Police is filed on record.

08. The alleged offence punishable under section 74, 75, 76, 79, 115(2), 118(1), 351(2), 351(3), 352 of BNS is cognizable. This application is supported by affidavit.

09. From the complainant, document filed on the record, report filed by the police it appears that the allegations are seen to be explained properly by complainant in the application itself and the allegations are also based upon oral evidence of the complainant and her family member i.e husband, mother-in-law and nephew etc as well as documentary evidence. The complainant has filed that, NC, medical papers, application given to the SP etc in support of the application.

10. In the matter in hand, as discussed earlier, the allegations as to incident of outraging the modesty, abuse and beating at the hands of accused to the complainant and witnesses are seen to be based on oral evidence of the complainant and witnesses. The allegations are also seen to be explained properly by the complainant by documentary evidence filed on record. She also given the name of witnesses. The witnesses are her family members. Thus, the complainant is also seen in position to bring sufficient evidence in support of his case. For giving direction under section 175 (3) of BNSS the necessity of police investigation needs to be considered. Merely the offences are cognizable one and the other mandatory compliance is made by complainant, will not be ground for directing the said investigation. The alleged quarrels incident and allegations made by the complainant against the accused are properly explained by the complainant in the complaint itself and has filed documentary evidence also on record. They can be established by complainant by way of oral evidence as well as documentary evidence which she has already. The applicant has also mentioned the name of witnesses. Moreover, the police assistance can be taken of the Bharatiya Nagrik Suraksha Sanhita, 2023 after taking cognizance in order to bring

relevant material on record, if required. Therefore, no purpose is seen in passing direction to investigate the matter under Section 175 of Bharatiya Nagrik Suraksha Sanhita, 2023 as complainant has sufficient evidence of witnesses and documentary evidence with her to establish her case. Having said that, the present application squarely falls within the ambit of definition of the complaint given under Section 2 (1)(h) of Bharatiya Nagrik Suraksha Sanhita, 2023. Therefore, instead of disposing of the present application, the complainant can be given liberty to proceed with the application as a private complaint. Hence, following order is passed.

ORDER

1. The prayer for direction under Section 175(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023 is rejected.
2. The complainant is at liberty to proceed with the present application as a complaint as per Chapter 16 of the Bharatiya Nagrik Suraksha Sanhita, 2023.
3. The complainant shall intimate in writing to this Court on or before next date whether he wishes to proceed with the case as a complaint case and give verification if she desire.
4. In case complainant/complainant failed to inform in writing to the Court as mentioned above on or before the next date the application stand disposed off as dismissed automatically on next date. Concern to take note of it.

Date :-07/08/2026

(S.H.Panhale)
Judicial Magistrate F.C.
Court No. 05, Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	<i>S.S.Gondre</i> Stenographer Grade-II
Name of Court	5 th Jt.C.J.J.D. & J.M.F.C., Aurangabad
Date of Dictation	07/08/2026
Judgment/order signed by the PO on	07/08/2026
Judgment/order digitally signed by the PO on	07/08/2026
Judgment/order uploaded on	07/08/2026