



Order Below Exh.01 in Cri. M. A. No. 18/2026

This is an application under section 175 (3) of Bhartiya Nagrik Suraksha Sanhita, 2023 (for the sake of brevity, hereinafter referred to as the 'BNSS').

02. The case of applicant, in short, is that a tractor bearing registration no. MH-18-BX-9780 was purchased by him by availing a loan from the HDFC Bank, Branch Dhule. The said tractor so owned and possessed by the applicant was used by him for performing agricultural activities. It is alleged by the applicant that on 20.03.2025 at about 03.00 p.m. two persons claiming to be representatives of HDFC Bank approached him. They informed him that they are taking away his tractor for the reason of his having committed a default in payment of loan installment. Further, they obtained the applicant's thumb impressions on some papers with intent to defraud him and took away the said tractor with them. It is further alleged in the months of April and May 2025 the applicant approached the concerned bank after having made arrangements for payment of loan installments and asked the said bank to return his tractor but, the response of said bank was evasive. The applicant revealed the bank officials photographs taken by him of the persons who had taken away

his tractor. However, the bank officials replied that the said persons do not happen to be officers of the said bank. It is also alleged by the applicant that he made calls to the persons who had approached him but they replied that they have put the said tractor for performing agricultural activities and would pay rent to him. Further, on a subsequent occasion, they are also alleged to have abused and intimidated the applicant.

03. It is further alleged by the applicant that the stamp brought by the persons approaching him bears the names of accused no. 1 to 3. Further, one of the two persons approaching him is the accused no. 4. Also, the unknown person assisting the other accused persons is a bank official working in finance department of the concerned bank and he is arraigned as an accused no. 5. It is further alleged that the accused no. 1 to 4 have defrauded him by making use of forged documents and the accused no. 5 has assisted them.

04. It is further alleged by the applicant that he reported about commission of alleged crime, in writing and otherwise, to the Police Inspector, Dondaicha but they ignored his grievance. Further, the grievance was informed by him in writing and by post to the Superintendent of Police, Dhule but that did not prove to be fruitful. It is submitted that the present matter needs to be investigated by the police. Therefore, the applicant was constrained to institute present case. Hence, it is prayed that the officer in charge at Dondaicha Police Station be directed to investigate the present matter.

05. The say filed by the officer in charge at Dondaicha Police Station is at Exh. 5. In short, it is submitted that on 12.09.2025 the applicant had made a complaint at the police station against Shekhar Mahale and Sachin Bachhav and the same was inquired into. It was found that the applicant had entered into a transaction regarding the tractor in question with said persons and had received Rs. 79,000/- and a cheque drawn on the account of the accused no. 4. The said cheque was dishonoured and therefore, he was asked to initiate a proceeding against Section 138 of the Negotiable Instruments Act. Accordingly, the statement of applicant has been recorded. The applicant has been given due understanding. The present applicant is made with intent to amplify the gravity of matter by means of exaggerated statements. Hence, necessary order may be passed.

06. The respondents are alleged to have committed offences punishable under sections 318(4), 314, 319(2), 320, 323, 324(2)(4)(5), 335 and 336 of the Bhartiya Nyaya Sanhita, 2023.

07. The case of applicant is that two of the accused persons approached him on 20.03.2025 and took away his tractor. However, a perusal of the copy of agreement dated 18.03.2025 (exh. 3/9) would show that the tractor in question was handed over by him to the accused no. 1 from 18.03.2025 till 18.01.2026. Further, on perusal of a copy of the applicant's statement dated 15.10.2025, produced on record by the police, it could be seen that he has stated therein about his receiving a cash of Rs. 79,000/- from Shekhar Mahale and Sachin Bachhav and the cheque drawn on the account of accused no. 4 with

regard to the tractor in question. He could be further seen to have been stated about the said cheque getting dishonoured and about his receiving an understanding from the police about initiating a proceeding under Section 138 of Negotiable Instruments Act. The police have also produced on record a copy of the aforesaid cheque. It is worth to note that in the present matter the applicant has not disclosed the aforesaid material facts. Further, considering the nature of accusations against the respondents in respect of cheating, misappropriation, mischief and forgery, the evidence to be laid in respect of those alleged offences cannot be said to be beyond the reach of the applicant. The evidence, other than which is already possessed by him, can be reasonably expected to be procured by the applicant by adopting appropriate measures. It is pertinent to note that from the averments made in the application that the incident in question could be seen to have allegedly taken place during the months of March 2025 to May 2025. Thus, it appears that the present application has been instituted after an inordinate and unexplained delay of about one year from the occurrence of alleged incident. Also, in the set of given facts and circumstances, custodial interrogation of the respondents does not appear to be expedient. For the aforesaid reasons, investigation of present matter at the hands of police under Chapter XIII of the BNSS does not appears to be necessary for the purpose of collection of evidence. Therefore, it would not be appropriate to direct the Officer in charge of Police Station, Dondaicha to register an FIR in the present case and to investigate the case by virtue of Sec. 175(3) of the BNSS. Therefore, such prayer made by the applicant deserves to be rejected.

08. However, the applicant has further prayed in the alternative that appropriate lawful action be taken against the respondents for offences committed and they may be severely punished for the same. Now, considering the nature of allegations against the respondents, the material produced on record and the nature of aforesaid prayer it would be appropriate to proceed with the present matter as a complaint case.

09. Hence, in view of above discussion and for aforesaid reasons, the following order is passed:-

ORDER

- i) The applicant's prayer seeking directions to the Officer in charge at Police Station, Dondaicha, to investigate the present matter, vide section 175(3) of the BNSS is hereby rejected.
- ii) In view of the applicant's alternative prayer, the matter be registered as a Regular Criminal Case.

Place : Dondaicha
Date : 11/03/2026

Aditya G. Naik
Judicial Magistrate First Class,
Dondaicha

CERTIFICATE

It is certified that the contents of the present PDF file are true and correct as per the original signed order/judgment.

Name of stenographer : Ganesh Sainath Ahire,

Name of Court : Civil & Criminal Court, Dondaicha

Date : 11/03/2026

Sd/-
Stenographer(Grade-3)