



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, GADCHIROLI
(Presided Over by Shri. S.A. Bhaisare)

S.C.C. No.1249/2025

Tirupati Prakash Nimsarkar

... **APPLICANT**

VERSUS

Bebibai Anandrao Zade + 09

... **NON-APPLICANT**

ORDER BELOW EXH.1

(Passed on 02th May, 2025)

1. Perused the complaint, verification of the complainant and documents on record. Heard both the sides.
2. The facts of the present case are that the on 22.05.2025 accused no. 1 tried to construct a hut on the open plot possessed by the mother of the complainant. It resulted in altercations between the accused no. 1 and the complainant. Accused no. 1 abused the complainant in filthy language at a public place. Thereafter, the accused no. 1 called her son accused no. 2. They both abused the complainant. Consequently, a NC Report was filed against them by the complainant. As the police did not carry out any investigation, the accused no. 1 to 3 in collusion with accused no. 3 to 7 tried to construct a hut. The accused no. 8 to 10 were provoking them.

3. On 11.10.2025 on receipt of information that the accused no. 1 to 7 are constructing a hut at the land of complainant, the complainant and her husband went to the spot of incident. Accused no. 2 abused the complainant in filthy language, pushed her and threatened to kill her. The complainant reported the incident to the police station however, the police registered NC Report against the accused no. 1 and 2 only. Hence, the present complaint.

4. At the outset, it must be mentioned that accused no. 8 to 10 seem to have played a limited role which is not sufficient to proceed against them. Moreover, the NC Report no. 75/2025 and 160/2025 implicated the accused no. 1 and 2 only. No role is attributed to the accused no. 3 to 7. Thus, there is no prima facie material against the accused no. 3 to 10. Merely because accused no. 3 to 10 are arrayed in the complaint, in absence of prima facie material against them, they cannot be summoned. It seems that the main grievance of the complainant is against accused no.1 and 2 only.

5. Considering the above discussion, prima facie offences punishable under S. 296, 115(2), 352, 351r.w S.3(5) of the Bhartiya Nyaya Sanhita, 2023 are made out against the accused no.1 and 2 only. There are sufficient grounds to proceed against them for the *afore* said offences. In the result, I pass the following order:

ORDER

1. Issue summons against the accused no. 1 and 2 under S. 227 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for the offences

punishable under S. 296, 115(2), 352, 351 r/w S.3(5) of the
Bhartiya Nyaya Sanhita, 2023.

2. The complaint is dismissed against accused no.3 to 10 under
S.226 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

sd/-

Gadchiroli .
Date :- 02.05.2026

(Shri. S.A. Bhaisare)
Judicial Magistrate First Class,
Gadchiroli.