

C. C. NO.1234/M/2023

Mr. Vijay Kisan Shelke

... Complainant.

Versus

1. Mr. Nandkumar Sadashiv Naik

2. Mr. Pradip Chopra

3. M/s. Pullet Finvest (Pvt.) Ltd.

... Accused.

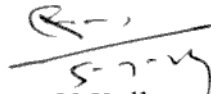
ORDER BELOW EXH.01.

By way of this application the complainant requested to issue necessary directions to Dadar Police Station, Mumbai, to register the offence against the accused named in the application, by exercising the provisions contained in Section 156(3) of the Code of Criminal Procedure, 1973.

2. I have heard the Learned Advocate representing the complainant and gone through the application-cum-petition. The application-cum-petition is supported with affidavit. The Learned Advocate representing the complainant submitted before the court that the concerned P. S. O. of Dadar Police Station failed to register the offence against the accused despite the fact of disclosing the commission of cognizable offence. The Learned Advocate representing the complainant placed his reliance on the reported judgment of Hon'ble Supreme Court in the case of **Lalita Kumari Versus State of Uttar Pradesh : (2014) 2 Supreme Court Cases 1.**

3. The law is well settled that, the registration of F. I. R. is mandatory under Section 154 of the Code of Criminal Procedure, if the information discloses commission of cognizable offence. There is no dispute about said proposition of the law.

4. As per settled practice and procedure of law, if petition is filed under Section 156(3) of the Code of Criminal Procedure before the Magistrate, two recourse are available before the Magistrate, either to take cognizance or to issue necessary directions to the concerned police station to exercise their plenary power and register the offence. After considering the matter before the court, I am of the opinion that, it is necessary to take cognizance instead of sending the matter for investigation under Section 156(3) of the Code of Criminal Procedure. Therefore, the prayer of the complainant to send the matter for investigation stands rejected. The matter be kept for recording verification of the complainant, on the next date.



(Vaibhav V. Kulkarni)

Date : 05/07/2024.
ssk

Addl. Chief Judicial Magistrate,
5th Court, Dadar (At Sewree), Mumbai.