

MHMM160293032025



IN THE COURT OF THE JUDICIAL MAGISTRTE FIRST CLASS,
49TH COURT, VIKHROLI, MUMBAI.

C.C.NO. 1266/M/2025

Sayyed Nazir Kasam Hussain

----- Applicant

V/s.

Shahrukh Furkan Faruki and Anr.

----- Opponents

ORDER BELOW EXH.01

- 1) Perused application and documents on record.
- 2) Report of police under section 175(3) of the Bharatiya Nagarik Suraksha Sanhita (In short "B.N.S.S.") was called for and police have filed the report below Exh.7.
- 3) Perused the report. According to report, there was transaction between the applicant and opponents. But, there is no offence made out as this dispute is civil in nature.
- 4) Perused the report. It is alleged that the opponents had assured to give profits to the applicant, on the amount invested by the applicant with the opponents. According to the assurance the applicant had invested total amount of Rs.9,65,984/- by cheques and cash. The police have filed on record alongwith report Exh.7, a written complaint submitted by Advocate for the applicant, to the Sr. Police Inspector of

Ghatkopar Police Station dated 14.10.2025. The contentions of the applicant in that written complaint is that there was transaction of purchase of cars and the applicant had paid Rs.2,30,000/- by cheque bearing No.003983 dated 06.06.2022 and thereafter, within one month the vehicle was not delivered. Therefore, said complaint was made. In the present case the allegation is that total amount of Rs.9,65,984/- was invested which includes Rs.2,30,000/- by cheque in favour of A.F. Motors i.e. firm of the opponents. Therefore, there are contrary contentions of the applicant in the present application and written complaint made to the police, in that entire transaction is described as purchase of car which is contrary to the present application. Therefore, according to me, there is no case is made out for invoking powers under section 175(3) of the B.N.S.S. Hence, I proceed to pass following order :

ORDER

- (1) Prayer of order under section 175(3) of the Bharatiya Nagarik Suraksha Sanhita is rejected.
- (2) Matter be kept for verification.

Vikhroli, Mumbai.
Date : 17.08.2026.

(N. D. Jadhav)
Judicial Magistrate(First class)
49th Court, Vikhroli, Mumbai.