

MCA No. 310/2019
Mangesh v. Ujwala &
ors.

Order below Exh.1

Perused the application filed by the applicant for directing the police station to register the crime on the basis of allegations mentioned in the application and the investigate the same.

2] It is the contention of the applicant that accused No. 1 is his wife. Accused No. 2 to 6 are the relatives of accused No.1. Accused No. 1 is lunatic from her birth time. Initially she was married to Dattatray Pralhad Dolas. Due to her lunacy Dattatray dumped her without taking divorce. Thereafter, she married to applicant. The fact of her first marriage is not disclosed to the applicant. After the knowledge of her first marriage to the applicant, the accused No.1 has filed maintenance application in the Court. Accused No. 2 to 6 with the common intention made false and fabricated letter to implicate applicant in the false offence. They are using the said letter to harass the applicant. In that letter it is stated that applicant has initially married to Nisha Hansaraj Borkar. The said letter is written by Hansaraj Borkar who is the father of Nisha Borkar. Accused are threatening the applicant to use this letter in matrimonial disputes. Accused No. 2 to 6 were asking applicant to cohabit with accused No.1. Therefore, on 11/04/2019 the applicant has issued notice to accused No. 1 through his advocate. Accused are trying to threaten the applicant by using that letter. They are using that letter to

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make stronger case against applicant in matrimonial dispute. Therefore, the applicant has filed complaint in the police station under section 120B, 468, 471 and 506 of I.P.C. Police have not lodged FIR. Therefore, he approached the higher authority of police but they have not taken any action. Therefore, the applicant prayed that direction may be given to the police to register the FIR and investigate the matter.

3] Heard the advocate for the applicant, perused all documents on record.

4] On perusal of documents filed by the applicant it found that it is matrimonial dispute. The present complaint is based on the documentary evidence. The applicant has not filed the said false and fabricated letter on record as he stated that the photo copy of that letter was given to him by accused persons. Prima-facie there is no cognizable offence made out. There is nothing to investigate at the hands of police. The applicant is at liberty to examine witness under section 200 and 202 of Code of Criminal Procedure. Therefore, I pass following order-

ORDER

1. The prayer under section 156(3) of Cr.P.C. is rejected.
2. The case is put-up for verification under section 200 of Cr.P.C.

Kamptee
Dated 3/11/2020.

(S.S. Gadve)
Judicial Magistrate First Class,
Kamptee.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file are word to word as per it's original.

Name of Stenographer : Rajesh Jaidevji Khobragade,
Stenographer Grade-III
Attached to Jt. CJD & JMFC,
Kamptee.