



1. The complainant has filed this application for issuance of direction to Police Station Lohara for registration of crime under Section 175 (3) of Bhartiya Nagari Surakshya Sanhita, 2023 (in short BNSS) for the offences punishable under Section 333, 303(2), 118(1), 115(1), 74, 76, 189(1), 189(4), 191(1), 191(2), 191(3), 351(1), 352(2)(3) and 2(5) of the Bhartiya Nyaya Sanhita, 2023 (in short BNS).

2. The learned advocate for the complainant has submitted, that on 10-05-2026 at about 10.00 to 10.30 p.m. accused no. 1 to 10 with their common intention were came in the house of complainant and given the filthy abuses to the complainant. Further accused no. 1 had assaulted to the complainant with stick over her forehead. Further the accused no. 1 snatched the Mangalsutra of the complainant. Further other accused were assaulted to the complainant with Chapal. At that time the son of complainant Saurabh came there, then the accused no. 2, 4, 8 were assaulted him with iron rod. At that time Vatsalabai had resolved the quarrel. Further the accused had given threat to kill the complainant.

3. Thereafter the complainant lodged the report in police station Lohara. But the concerned police station had not taken any cognizance. Thus the learned advocate for complainant has submitted that, accused were committed cognizable offence, therefore, direction may be issued to concern police station for registration of crime under Section 175 (3) of BNSS, 2023 for the offences punishable under section 333, 303(2), 118(1), 115(1), 74, 76, 189(1), 189(4), 191(1), 191(2), 191(3), 351(1), 352(2)(3) and 2(5) of the Bhartiya Nyaya Sanhita, 2023.

4. Perused the complaint and documents filed on record. According to the complainant that, on 10-05-2026 at about 10.00 to 10.30 p.m. accused no. 1 to 10 with their common intention were came in her house and given

the filthy abuses to the her. Further accused no. 1 had assaulted her with stick over her forehead. Further the accused no. 1 snatched her Mangalsutra. Further other accused were assaulted her with Chapal. At that time her son Saurabh came there, then the accused no. 2, 4, 8 were assaulted him with iron rod. At that time Vatsalabai had resolved the quarrel. Further the accused had given threat to kill her. Thereafter, the complainant lodged report in police station Lohara. But the concern police station had not taken any cognizance. Therefore, he approached to the Court.

5. For sending the matter for investigation by the police under section 175 (3) of the BNSS, following condition must be full filled,

- i) The offence must be cognizable in nature.
- ii) The investigation by the police machinery is required in such a case.

6. It is well settled principle of law that investigation at the hands of the police under section 175 (3) of the BNSS can be directed only when something has to be recovered or discovered from the custody of the accused. For that reason such exclusive powers are vested with police and not with ordinary person. Merely because offence is cognizable in nature is no ground for sending the matter for investigation of police under Section 175 (3) of the BNSS.

7. In the instant case, though the allegations discloses the cognizable offence, but in my view there is no question of recovery or discovery at the hands of the accused. Thus in my view considering the allegation made against the accused and under these peculiar circumstances the investigation though police is not necessary. Hence the prayer of the applicant under Section 175 (3) of BNSS is rejected. The complainant is liberty to proceed under Chapter xvi of Bhartiya Nagrik Surakasha Sanhita, 2023. Hence the matter is kept for verification of complainant.

(Gajanan B. Jankar)

Judicial Magistrate First class
Lohara.

Date :14.07.2026.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer	--	V.N.Phurade
Court Name	--	Shri. G.B. Jankar JMFC, Lohara
Date	--	14.07.2026
Judgment signed by the Presiding Officer on	--	14.07.2026
Judgment uploaded on	--	14.07.2026