



ORDER PASSED BELOW EXH.1 IN CRI.M.A. NO.1077/2025.

(CNR NO. MHPU090096422025)

Satish Mohan Sherkhane Vs Krushna Ankush Rajiwade & Ors.

01. The present application filed by the applicant under section 175(3) of B.N.S.S. 2023.

02. It is contended that, Chinchwad Police station has registered Crime No. 335/2025 under section 137(2) of BNS, 2023 for kidnapping the minor girl, who is under 18 years. The name of accused was mentioned by the applicant to the police. But police has not noted down the name of accused and stated that, they will first investigate and then it will be decide after who is the accused.

03. It is further contended that, the victim did not go to school on 25/09/2025. It is alleged that, she was under threat and coercion of Krushna, who kidnapped drove her away in his auto and was seen crossing Bhumkar Chowk which was confirmed by Krushna himself before the Chinchwad police station. The applicant stated that, since the day of kidnapping of the daughter, the applicant and his family has been visiting the police station to know where about their daughter. Inspite of negative statement and being scolded for taking rounds of police station, the family did not receive any concrete information about progress in investigation. He has filed copy of request letter submitted to concern officer of concern police station and Commissioner of Police, Pimpri Chinchwad. After receiving no response from C.P. office on the complaint submitted on 03/11/2025, applicant has sent the intervention request to DGP Maharashtra on 12/11/2025 via email. The family of the applicant has co-operated with the police from bringing CCTV footage and other information for the investigation of the said crime.

04. It is further contended that responsible police officer not conducting fair investigation of this crime and I.O. stated that, why you people keep coming to police station, girl will be back in 03 months or 4 months, such cases taking 6 to 8 months time, do not unnecessarily disturbed, in such type of cases girls go out on their own and come back after spending time here and there. Police has not questioned to Krushna and released him from custody within 3 to 4 hours. Despite updating statement by Krushna to police that he has addiction for girls, they have released him without proper investigation. Krushna was formatting his phone before handing over the same to police which was ignored by the police.

05. The victim is still a minor and cannot move around in city on her own. She is pious and studious girl and does not know about the crimes taking place on social media. The Krushna has persuaded and abducted the victim by way of blackmailing her or any other reason. Though, victim had no personal mobile, but she created Instagram ID under influence and kept deactivating the same. Later she created few more ID's using some unknown numbers as well. The reason for so many ID is yet to be known. The Krushna is aware about the victim or he may be hiding her somewhere. He has given a letter for police in which, he has stated that once victim is back, he will come back, still such time he will stay under ground. It is evident that the crime has been done against a minor girl and against society. Therefore, cognizance of offence and registration of crime is required. The applicant prayed that concerned police station may kindly be directed to register FIR under relevant section B.N.S.S. 2023 and POSCO Act. Learned advocate for the applicant has argued that I.O. has not conducting proper and fair investigation. Hence, he needed to file the present application before this court.

06. This court has called say of I.O., Chinchwad Police Station. I.O. has filed say along with his investigation report before this court. He was personally present before this court and he stated that, investigation is going on for aforesaid crime. Crime No. 335/2025 has been registered against unknown person for offence punishable under section 137(2) of BNS. He has recorded statement of witnesses, he has taken custody of suspected Krushna Rajiwade and inquired with him. Now, he is missing since 27/09/2025 and missing complaint is filed on 28/09/2025. He has recorded statement of 15 witnesses. Moreover, he has perused CCTV footage in Chinchwad area. But no useful information has been received from the CCTV footage against this Krushna. He has published investigation list in police notice. Further, he stated that he has checked out CDR and SDR of suspected person, relatives of victim and friends of victim. However, nothing has been extracted from this CDR and SDR. He has sent letter to Sub-Commissioner of Police on 12/11/2025 for getting CDR and SDR of mobile No. 9130846194 which is of suspected person Krushna Ankush Rajiwade. But he has not received any information about CDR till today. He has obtained detail information about Instagram ID of victim. But he has not received useful information in respect of said crime from Cyber Police Station. He has conducted seizure panchanama. He has seized one note from spot, which was written by the victim. Also, obtained bank account information of victim and suspected Krishna. But no any incriminating information obtained from that bank account.

07. Further, he stated that he along with applicant and his relative meet with Principal of Victim's school and they have given instruction to concern Principal that he shall intimate police about the status of victim. When he will get information about victim. During investigation if victim and suspected person namely Krushna will traced out, thereafter police will

register alleged sections accordingly. Investigation is going on. He has doing fair investigation. After perusal of case diary this court can decide to pass appropriate order.

08. Heard the learned advocate for the applicant at length. Perused the application and documents filed in support of the application. Perused case diary which is produced by concern I.O. I have heard concern I.O. personally. From the averments of the application and the documents on record, prima facie it reveals that, this application has filed by the applicant for offence punishable under section 137(2) of BNS vide Crime No. 335/2025. The investigation of the said offence is under process. Though, as per contention of the applicant, the FIR as regard to POSCO Act is not yet register, but the process in that regard is going on. After perusal of case diary it appears that, there is progress in investigation. Unless and until the said process is completed this court cannot interfere in on going investigation.

09. An application under section 175(3) of the BNSS is filed after the complainant has first tried and failed to get a response from the superintendent of police. The application must be accompanied by an affidavit and it is made to a Magistrate empowered under section 210 BNSS. The Magistrate will then conduct an inquiry to see if investigation is warranted.

10. Now, whether the police has going through proper procedure of investigation or not is required to discuss here. It is well settled that, Magistrate has no authority to interfere on going investigation of the police. Recording statement of witnesses, seizure panchnama after complaint is undoubtedly part of investigation at the hands of police. No doubt victim can alleged that, investigation officer or investigation machinery is not left

absolutely unaccountable. But there are other remedies available against intentional as well as unintentional in proper investigation conducted or being conducted. But as far as application under section 175(3) of BNSS is concerned, it deals with the direction to the police by Magistrate to conduct investigation, but it not at all includes to direct the authorities to first register fresh crime and then investigate the crime by filing new application under section 175(3) of the BNSS.

11. In this application the applicant himself stated that FIR has been registered against suspected unknown person for offence under section 137(2) of BNS. It is admitted position that FIR has been registered as per allegations of the applicant. After perusal of case diary it appears that, investigation of said crime is going on. Therefore, such on going investigation, Magistrate cannot interfere. When there is previous FIR is registered as per allegations of applicant, then Magistrate cannot issue directions to I.O. for registering fresh FIR only on the ground that I.O. has not conducting fair investigation. Admittedly, I.O. has taken cognizance of complaint which was lodged by complainant/applicant on 25/09/2025. He has registered crime vide crime No. 335/2025. In this case investigating officer has taken cognizance of alleged offence and registered complaint against unknown person and accordingly investigation is going on. Therefore, at this stage application filed by the complainant/applicant is unknown to law and not maintainable in eyes of law. Thus, I pass following Order :-

ORDER

Application is rejected.

Place : Pimpri,
Date : 27.11.2024.

(G. G. Auti)
J.M.F.C(Court No. 6) Pimpri, Pune.

CERTIFICATE

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

Name of the Stenographer	:-	B. S. Jamkhandi[Steno III]
Name of the Court	:-	G. G. Auti 6 th Jt. J.M.F.C. & C.J.J.D Pimpri Pune.
Date	:-	27.11.2025
Order signed by the Presiding Officer on	:-	27.11.2025
Order uploaded on	:-	28.11.2025