

Dattatray Auti and Ors. Vs. Madhukar Shinde and Ors.

CNR No.MHPU200000472024

ORDER BELOW EXH.1

(passed on 20/02/2024)

The application has filed an application under Sec.156(3) of the Code of Criminal Procedure for the offence punishable **under Sec. 383, 384, 420, 468 and 471 r/w. 34 of the Indian Penal Code** for registration of FIR and investigation of matter.

02. Perused the complaint. Heard Advocate for complainant.

03. The allegations made by complainant is that, there were professional relations between complainant and accused. Accused No.1 to 5 were running Project of selling flats at Tardobachi Wadi, Shirur. Accordingly, accused persons entered into registered agreement to sell with complainant on 06.12.2014 giving accused No.1 authority to sell by registered power of attorney. The construction of the flat was completed in the year 2016. When complainant frequently asked accused persons to complete the sell transaction they neglected and postponed for some or other reasons. At that time complainant came to know that he has been deceived that accused persons. Further, complainant came to know from the search report that accused persons have acquired loan of Rs.2,00,00,000/- on the said property and have intentionally deceived the complainant by preparing false documents of completion certificate. Further, the partner of Shivam Builders i.e. accused No.1 Madhukar Shinde issued illegal notice through Advocate to the complainant on 25/05/2023 and demanded illegally amount of Rs.78,000/-. Complainant replied to the said notice on 05/06/2023 and stated that he had given amount of Rs.14,15,000/-to the accused persons at the time of registered agreement to sell. Out of the said amount

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Rs.13,20,000/- was given at the time of agreement on 06/12/2014 and amount of Rs.95,000/- was given to the partners Madhukar Shinde, Dattu Shinde and Rama Hole for four wheeler parking. Even though the accused persons are not completing the sale transaction of the flat. Due to which complainant lodged complaint on 17/06/2021 to Shirur Police Station. But they did not take any action. Hence, this private complaint.

04. However, while considering the contents of the complaint it seems that, there is agreement of sale executed between the complainant and accused persons. The said transaction also seems to be civil transaction between the parties and is civil in nature. The fact of cheating in cases of civil nature has to be dealt with cautiously. Due to which the incident narrated in this complaint and its reality must be inquired by the police by due enquiry with respect to the documents and the fact of cheating. Hence, it is necessary that the inquiry by the police into the fact of cheating and forged documents and about forgery is necessary. Therefore, it will be proper to conduct the inquiry as per Sec.202 of Cr.PC. Hence, I proceed to pass the following order : -

ORDER

1. The concerned Police Station Officer is directed to conduct the inquiry as per Sec.202 of Code of Criminal Procedure.
2. The concerned police station officer is directed to file its report after inquiry within 3 months from the date of this order.

Date-20/02/2025
Place – Ghodnadi-Shirur

(J. A. Zari)
Judicial Magistrate First Class
Ghodnadi-Shirur, Dist. Pune

CERTIFICATE

I affirm that the contents of this PDF file are same word for words as per original.

Name of Steno : Kapare K. J. Steno LG.
Name of Court : J. A. Zari, CJJD. Ghodnadi-Shirur.
Date of decision : 20/02/2025
Date of Sign : 20/02/2025
Date of Uploading : 21/02/2025