

CNR.NO.MHPU260001682025 Cri. M.A. No. 723/2025.  
Tejasvini Vs. Sudhakar & Ors.



**ORDER BELOW EXH.1**  
**(Dt. 13/03/2026)**

01. This is an application filed by the applicant under section 175 (3) of Bhartiya Nagarik Suraksha Sanhita (B.N.S.S.) seeking direction to the police to register FIR and take cognizance against the non-applicants.
02. Perused application along with documents on record. Heard Learned Advocate for the applicant at length.
03. Perusal of aforesaid allegation and documents on record it reveals that, the complainant is the owner of survey No. 65/4/A/2, situated in Lonavala. The complainant has entered into the agreement to sale of flats with the non-applicants. However, due to difficulties the complainant husband has never carried out construction and therefore, could not delivered the possession of the flat to the non-applicants. Due to which the non-applicants have filed civil suit before the court wherein the matter has proceeded with Ex-parte and decreed in favour of the non-applicants. In the execution the A.S. of the Vadgaon Maval Court has executed sale deed of the flats in favour of non-applicants. In fact, the flats were never constructed as per plan and instead of flat bungalow of the complainant has constructed upon the above suit plot. The complainant is residing their. The non-applicants by taking undue

advantage of the execution proceeding and sale deed executed through court tried to obtain forcible possession of the first floor of the bungalow. The non-applicants has cheated the court and committed fraud and deceived the court. Thus prayed for directions to register the FIR. To my mind, if the complainant being aggrieved or dissatisfied against the judgment and order passed in regular civil suit which has proceeded Ex-parte has liberty to file appeal or revision against it as per provisions of law. The dispute between the complainant and the non-applicants is of civil nature and civil dispute between them is sub-judice. Therefore, it would not just and proper to direct police machinery to investigate under section 175(3) of the BNSS. Also, as per the complaint of the complainant the P.S. Lonavala City has registered FIR bearing No. 341/2025 against the accused. The complainant has civil remedy and dispute between the parties is of civil nature. Thus, I am not inclined to allow the investigation at the hands of police. The complainant can make out her case under section 223 of BNSS. In view of aforesaid facts and circumstances put forth in the complaint Exh. 01. I am of the opinion that, direction under section 175(3) is unwarranted. However, considering the facts of case further inquiry by this court appears to be necessary. Hence, I proceed to pass following order :-

**:: ORDER ::**

01. The prayer seeking direction under section 175(3) of of the Bharatiya Nagarik Suraksha Sanhita is hereby rejected.

**02.** The complainant and witnesses to remain present before the court for recording their verification on oath under section 223 of the BNSS.

Date : 13/03/2026.

**(Abhay M. Vibhute),**  
Judicial Magistrate, First Class,  
Vadgaon Maval, Pune.