



ORDER BELOW EXH.1 IN CRI. M.A. NO.60/2025

State of Maharashtra

vs

Pal developers through Ashutosh Singh & others

This application is filed by the applicant under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita seeking directions to the concerned police station to register an FIR against the accused persons.

2. It is the case of the complainant that he was searching for a residential house. During that period, he came to know that accused No.1 and accused No.2 were going to construct a chawl. Thereafter, the complainant visited the office of the accused persons and an oral agreement was arrived at between them. As per the said agreement, the price of two rooms was fixed at Rs.3,90,000/- per room and it was agreed that the consideration amount would be paid in installments at different stages.

3. The complainant has contended that on 13 October 2015, he paid an amount of Rs.1,00,000/- to the accused persons for booking of the rooms and a receipt was issued in his favour. Thereafter, on 08 January 2016, an

amount of Rs.50,000/- was deposited in the bank account of the accused and a receipt of the same was also received by the complainant. Further, on 22 February 2017, an amount of Rs.50,000/- and on 20 April 2017, an amount of Rs.1,00,000/- was paid to the accused persons.

4. It is further the contention of the complainant that the accused persons were assuring him from time to time that possession of the rooms would be handed over soon. However, when the construction work was not completed, the complainant inquired about the same in April 2018, to which the accused persons informed him that they had recently obtained permission for construction.

5. The complainant has further alleged that thereafter on 10 April 2018, he again paid Rs.50,000/- per room to the accused persons. Thus, according to the complainant, from the year 2015 to 2018, on several occasions he paid different amounts to the accused persons. However, despite receiving the said amounts, the accused persons neither completed the construction nor handed over possession of the rooms to the complainant.

6. It is further alleged that when the complainant demanded return of the said amount, the accused persons refused to return the same and threatened him by saying that he may do whatever he wishes.

7. The complainant thereafter approached the

concerned police station; however, no cognizance of his complaint was taken. Subsequently, he also submitted a written complaint to the Superintendent of Police on 30 April 2025, but no action was taken on the said complaint. Hence, the present application is filed seeking appropriate directions for registration of an FIR against the accused persons.

8. I have perused the present application, the documents placed on record and the submissions of the complainant. The complainant has produced receipts showing payment of different amounts to the accused persons from the year 2015 to 2018 towards purchase of two rooms in the proposed chawl to be constructed by the accused.

9. From the material placed on record, it appears that the complainant had paid substantial amount to the accused persons on various occasions. However, according to the complainant, neither the construction has been completed nor possession of the rooms has been handed over to him. It is also the contention of the complainant that when he demanded return of the amount, the accused persons refused to return the same and threatened him.

10. The record further shows that the complainant had approached the concerned police station seeking registration of his complaint, but no action was taken by the police authorities. Thereafter, he submitted a written complaint to the Superintendent of Police on 30.04.2025,

but still no cognizance was taken. Therefore, the complainant has approached this Court by filing the present application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita.

11. In the present case, the allegations made by the complainant, prima facie, disclose that the accused persons have accepted money from the complainant on the promise of providing rooms but have failed to hand over possession and have also refused to return the amount. Such allegations require proper investigation by the police authorities.

12. At this stage, this Court is not required to go into the truthfulness or otherwise of the allegations made by the complainant. The role of this Court is only to examine whether the complaint discloses a cognizable offence requiring investigation.

13. Considering the averments made in the complaint and the documents placed on record, I found that the matter requires investigation by the police. Hence I proceed to pass following order:-

ORDER

1. The application filed by the applicant under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita is allowed.

2. The concerned Police Station is hereby directed to register an FIR on the basis of the complaint submitted by the applicant and to conduct investigation in accordance

with law.

3. A copy of this order and original complaint be sent to the concerned Police Station for necessary compliance.

4. The application stands disposed of accordingly.

Date: 12/03/2026

Sd/-
(Smt.A.S.Wadkar)
Judicial Magistrate, F.C., Karjat.
Dist.Raigad