

MHRG090004652024



ORDER BELOW EXH.1

1. The complainant filed present complaint against the accused no. 1 to 5 for the offence punishable under section 420, 504, 506 r/w Section 34 and section 120(b) of the Indian Penal Code 1860 with prayer to direct the concern police station to register FIR against accused and investigate the matter. The Complainant submits that she being heir of deceased Danial, Sarah and Mozes owns and possess the landed property bearing Gat no.219 admeasuring 1-29-5 H.R. situated at Village Ghankanhe, Tq-Roha, Dist-Roha, (hereinafter for short referred to as the subject property) however the accused persons in order to grab the subject property wihtout bringing heirs of her deceased acestors namely Mordekhay, Levy, Perej, Asher on record, personated false persons as owners and got executed false sale deed dt.07.01.1969 before Sub-registrar. In fact, ancestors who are shown as onwers in sale deed did never deal with the accused in respect of subject proeprty. Even no one had right to sale or purchase the subject proeprty. The accused persons for execution of sale deed by teaming up with Talathi made false 7X12 extract of the subject property. Even in R.T.S. Appeal which is filed by her to challege entries in revenue record regarding sale transaction, after hearing, the accused threatened her for withdrawing this appeal. As the accused persons deceived the complainant, she made complaint to Roha Police Station and Superintendent of Police Raigad, however

they did nothing against accused. Therefore the present complaint is filed for ordering the police station officer to register FIR and investigate into.

2. Heard Ld. Adv for the complainant. Learned Advocate for the complainant argued that the accused committed cognizable offence and therefore FIR must be registered against them. He also argued that without aid of police, required evidence cannot be brought on record. Police could make detail investigation, the complainant cannot bring necessary documents before this court . Hence learned Advocate prayed to direct the police to register FIR and investigate into. Learned advocate also filed notes of written arguments at Exh.5.

3. Perused the record. The complainant alleged against accused that they did not bring heirs of her deceased ancestors and made false 7X12 extract and also got executed false sale deed. The complainant produced sale deed dated 03.02.1969, however she has not filed copy of sale deed dated 07.01.1969. She has mentioned sale deed dated 07.01.1969 to be filed at serial no.5 in her list of document at Exh.03, however, at serial no.5 and even at serial no.6 copies of sale deeds dated 03.02.1969 are seen to be produced. Though the complainant has not produced copy of sale deed dated 07.01.1969, as per her allegation it seems that sale transaction between the accused and her ancestors was executed in the year 1969, i.e before 55 years. She has not explained in her complaint

when she came to know about fraud made by the accused persons or why she came before the court so belatedly. Most important that in order to challenge revenue entries which are made on basis of this sale transaction, she filed R.T.S. appeal before Sub-divisional officer and still it is pending. The complainant alleged that accused persons made false 7 X 12 extract and therein showed her ancestors as heirs of aforementioned deceased persons and got executed sale deed. She made bare allegation against accused persons without proof, on basis of sale deed dated 03.02.1969 which is not referred in her pleading, I am unable to infer that accused has committed an cognizable offence. Therefore prayer of the complainant to register FIR against the accused persons can not be entertained, I don't find need to register FIR by ordering to police. Hence, following order is passed.

ORDER

1. The prayer of the complainant as to direction to the police station to register offence against accused persons and investigate accordingly is rejected.
2. The case be put up for verification of the complainant in view of section 223 (1) of the Bharatiya Nagarik Suraksha Sanhita 2023.

Date :- 02.08.2025.
Place :- Roha.

(S.V. Khaire)
J.M.F.C, Roha

CERTIFICATE

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

Court : Court of CJJD & JMFC, Roha.
Name of the Stenographer : Self
Judgment / Order Date : 02.08.2025
Judgment / Order signed by the : 02.08.2025
Presiding Officer on
Judgment Order uploaded on : 04.08.2025