

CNR. MHSI04-000545-2023



Regular Criminal Case No. 82/2023.

(Nitin Pawaskar V/s. Raghunath Walawalkar)

ORDER BELOW EXH.1

1. Perused record. Heard learned advocate for the complainant.
2. As per complainant, Pravin Pawaskar has constructed a building Sateri Complex. Some of flat owners in said building conspired together and affixes false signatures of the members and prepared false documents for the purpose of registration of society. For that purpose they have produced false documents before Deputy Registrar Office, Kudal and obtained certificate of registration of society. As such accused nos. 1 and 2 and other unknown persons have committed offence of 120, 405, 406, 463, 464, 465, 468 and 471 r.w. 34 of the Indian Penal Code. Hence the complainant approached this court praying that police be directed to register offence under Section 156(3) of Code of Criminal Procedure.
3. Learned advocate for the complainant argued out at length. He tried to bring to notice various facts leading to alleged forgery.
4. The law in respect of issuing directions under Section 156(3) of Cr.P.C., is now well settled. For issuing such directions, **first**, the allegations must constitute cognizable offence and **second**, applicant/complainant must approach police station first. In present matter if we perused record the allegations are in respect of forgery and cheating, the offences, which are cognizable in nature. As per procedure when cognizable offence is committed the complainant has to approach the police under section 154 (1) of Code of Criminal Procedure to give information about commission of cognizable offence. If there is refusal on the part of an officer incharge of police station to record the information,

the complainant may send the substance of such information, in writing or by post the Superintendent of Police concerned. The complainant has filed copy of complaint given to the Police Inspector, Kudal. But there is nothing on record to show that complainant send the substance of such information, in writing or by post the the Superintendent of Police concerned. Therefore, mandatory requirements under section 154 (3) of Cr. P.C. are not satisfied.

5. Apart from this alternatively even if it is presumed that all the compliance are made, on merits if matter is considered it is clear that as per complainant accused nos. 1,2 and some unknown persons by affixing false signatures of members and prepared false documents and thereby got registration of society. All the allegations are on the basis of evidence of documentary nature. There is no possibility of any tampering or doing anything deteriorating the status or nature of evidence. Those incident took place since long back. In such a situation it is not at all necessary to issue direction as sought by the complainant as registration of offence may result in abuse of process of law.

6. In view of facts and circumstances discussed above it is clear that the mandatory requirements are not satisfied. So also, there is no need of registration of offence as prayed by the complainant considering the allegations made in the complaint, hence following order -

ORDER

The prayer for issuing direction for registration of offence under Section 156(3) of Cr.P.C. is rejected and matter is kept for recording verification of the complainant on 07/12//2023.

KUDAL

DATE – 30/10/2023

(A. J. Bachulkar)

J.M.F.C. KUDAL.