


MHSN030022652025 	<u>ORDER BELOW EXH. 1 IN CRI. M. A. NO. 313/2025</u> Namdev Govinda Kanase Vs. Ashwini Namdev Kanase
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The present application is filed for directions to be issued under section 174(2) of BNSS and thereby directing I.O. to investigate into the non cognizable offence.

2. Perused the application. Heard the complainant. Perused the documents and the record.

3. According to the applicant, he and the non applicant are married and they have two children out of their wedlock. Since, 08.01.2024 the applicant and the non applicant were residing separately. It is further submitted that, the alleged incidence is took place on 14.05.2024 at about 07.47 p.m. in front of titan showroom at Ram Mandir Chowk, Sangli. On the said day, he was having the non applicant came to him and started to demand money for education of their children. The applicant showed his inability to pay such money. Upon hearing this the non applicant grabbed the complainant by the throat and took the keys to the four-wheeler bearing no. MH-10/DL-6130 of the applicant and started to beat him with fist and blows and abuse him in filthy language. Therefore, the applicant went to Vishrambag Police Station and filed complaint. However, the PSO registered a offence under section 323, 506 of IPC, which is non cognizable offence. The IO also didn't seek permission under section 155(2) of CrPC for investigation into the cognizable offence. Therefore, the applicant filed this application, in view of the Hon'ble High Court bench at Nagpur issued in the case of Nitin

Satpute Vs. State of Maharashtra & Ors. Criminal W.P. NO. 660/2022 decided on 22/12/2023 wherein it is held that, in the NCR's reports there are two options available to the complainant / informant, one is to submit an application under section 155(2) of CrPC, seeking directions to investigate the offence and the other is to file a complaint under section 190/200 of the CrPC. Accordingly, the complainant filed this application for seeking directions to investigate the offence.

4. In the instant matter the offence registered against the non applicant is non cognizable one. I.O. didn't file an application for permission to investigate the said NCR. Admittedly, from the perusal of NCR it appears that, the contentions mentioned in it disclose commission of non cognizable offence only. The applicant and the non applicant share marital relations and they have children. As per the contentions of the applicant/complainant, their relations are strained and therefore, alleged incident took place. I have given thought to above contentions and the documents on record alongwith the judgment cited. However, considering the nature of relation between the parties and the nature of dispute among them, I am of the opinion that, issuing such directions under section 174(2) of BNSS, 2023, may lead to chaos in their life. Therefore, instead of issuing directions to investigate into the offence it will be proper to treat this complaint under section 190/200 of CrPC. (section 223 of the BNSS, 2023.) and proceed further. Moreover, apart from this there are several other reasons for not issuing such direction such as, the application is filed at belated stage i.e. almost after one year of the incident and there is nothing on record which requires police intervention or investigation.

In view of above discussion and the judgment cited, I am not inclined to allow the prayer of direction to investigate into the NCR no. 285/2024 registered with Vishrambag Police Station, Sangli, but I am inclined to treat this a complaint under section 223 of BNSS, 2023 and therefore, the order-

ORDER

1. The prayer for directions to investigate the NCR 285/2024 registered with Vishrambag Police Station, Sangli is rejected.
2. Matter is put for verification and the applicant/complainant is appeared on next date for verification.

Place : Sangli.
Date : 19/09/2025.

(Rohini S.Patil)
Judicial Magistrate First Class,
(Court no. 1), Sangli.

:- CERTIFICATE :-

“I affirms that the contents of this P.D.F. Judgment order are same word for word as per original Judgment”.

Name of Stenographer	: Shri. S.A.Jamadar
Name of the court	: J.M.F.C., Court No. 01, Sangli.
Date	: 19/09/2025
Order signed by presiding officer on	: 19/09/2025
Order uploaded on	: 20/09/2025