

Other Misc.Cri.Appln/121/2025  
Mahadev Khushaba Khapre  
Vs  
Kachru Bhau Saple

**ORDER BELOW EXH- 01**

1. The complainants have presented this private complaint alleging commission of offenses punishable under Sections 318(4), 338, 340(2), 61(2), 352, 351, and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023. The complainants have prayed for an order directing the police to register an FIR against all accused and investigate the matter.

2. I have perused the complaint and the accompanying documents, including the termination letters and communications addressed to the Assistant Charity Commissioner, Thane, complaints to Kinhvali police station, letters to accused no.1 etc.

3. The core allegation is that following the discharge of Accused No. 1 from the post of Secretary of the 'Alyani-Gegaon-Nandwal Asnoli Shikshan Sanstha', a fabricated Change Report by forging the signatures of trust members , inducting minor family individuals and dead persons, giving bogus and false list of members, non deposition of contrubution , membership fees,and donation of school in bank and misappropriated it etc.

4. On a close scrutiny of the complaint and the documents annexed therewith, it is apparent that there is no

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material currently on record to definitively establish that the disputed signatures on the Change Report were physically executed by Accused No. 1 himself. Furthermore, there is no direct evidence on record showing that Accused No. 1 personally admitted or processed the induction of the minor members into the trust. The matter arises out of an internal administrative conflict and termination of trust members, which is closely linked to ongoing proceedings before the Charity Commissioner.

5. In view of the law laid down by the Hon'ble Supreme Court in *Priyanka Srivastava v. State of U.P.*, a direction for the registration of an FIR cannot be passed mechanically. Where the allegations stem from internal management disputes of an educational trust, and where the specific identity of the person who executed the alleged forgery is not explicitly apparent from the face of the record, it is prudent for this Court to scrutinize the baseline veracity of the allegations before invoking police machinery.

6. Therefore, instead of directly forwarding the matter to the police for registration of an FIR, this Court deems it proper to take cognizance of the private complaint and proceed with the verification of the complainants to determine if there is a prima facie case to proceed. Hence, I pass the following order:

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**ORDER**

- I. The prayer of the complainants for a direct registration of an FIR by the police is hereby rejected at this stage.
- II. This Court takes cognizance of the offenses disclosed in the private complaint.
- III. The matter is kept for recording the verification statement of Complainant on oath under Section 223 of the BNSS, 2023.
- IV. The complainants are directed to remain present along with their original identification documents and any primary evidence supporting their allegations on the next date.
- V. Put up this matter for recording the verification of the complainants on 20/06/2026.

Date : 30/05/2026.  
Place : Shahapur.

**(Smt. U.P. Koli)**  
Judicial Magistrate, F.C.  
Shahapur, Dist.Thane.