



CNR No. MHWR030044242024

O. M. C. No. 544/2024

Rajkumari Vs. State + 2

ORDER BELOW EXH. 01

This is an application under Section 175(3) of the Bharatiya Nyaya Suraksha Sanhinta, 2023 (in short '*B.N.S.S.*').

2. Perusal of *roznama* i.e. order-sheet reflect that, the applicant and / or her Ld. Advocate are continuously absent and the matter is pending idle since long. Hence, considering the nature, age & stage of the matter, it is taken up for passing appropriate orders.

3. It is the case of applicant that, non-applicant Nos. 2 & 3 trespassed in her house, outraged the modesty of her daughter & beat her. Therefore, she made complaints to the Police, but they did not take any action. Hence, the concerned Police need to be directed to lodge F.I.R. against accused as prayed.

4. Perusal of application reveals that, applicant-complainant is well aware about the allegations made, accused who allegedly committed the same and mode of commission of the same. She has also filed copies of alleged documents on record. Therefore, in my view, applicant can prosecute the matter without any investigation by Police. Hence, there is nothing more to be investigated by Police and thus, no purpose would serve by issuing directions to register F.I.R.

5. Further, present application contains all ingredients of private complaint and thus, it can be treated and proceeded as per private complaint, by warrant trial. As to alleged necessity of recovery of any document or information, separate remedies

available under the Bharatiya Nagarik Suraksha Sanhita, 2023 can be adopted.

6. Therefore, considering the reasons mentioned above, I am not inclined to issue any directions to register the F.I.R. However, regarding allegations made, I am inclined to treat the present application as a private complaint under Section 223 of B.N.S.S. and put it for further orders. Accordingly, I proceed to pass following order :

ORDER

1. Prayer for issuing directions under Section 175(3) of the Bharatiya Nyaya Suraksha Sanhita, 2023 is hereby rejected and matter be proceeded under Section 223 of Bharatiya Nyaya Suraksha Sanhita, 2023.
2. Present applicant be re-registered as R.C.C. Warrant Trial Case and be put up for further orders on next date.
3. Asst. Supt. to note and comply accordingly.

Place : Wardha
Date : 03/09/2025

(Vickrant P. Khandare)
Judicial Magistrate First Class, Wardha.
(Court No. 1)