



ORDER BELOW EXH. 01

1. This is an application filed u/s.175(3) of B.N.S.S. praying for investigation to be directed to the concerned Police Station alleging an incident which attracts an offence as per B.N.S.
2. Heard learned Advocate Shri. G. K. Gaikwad at length. Perused the application and document filed in support of the complaint.
3. Perused the complaint. Learned Advocate for complainant contended that accused have committed an offence of under section 318(4),336(3),340(2),336(2),351(2), r/w 3(5) of B.N.S. It is alleged by complainant that, father in law of complainant namely Babji Piraji Nikhate was died on 09/11/1979. Babji Nikhate had 3 sons namely Pralhad, Kisan and Daulat and 2 daughters namely Sarswati and Anusaya. Pralhad, Kisan and Daulat were died and their legal heirs are alive as on toady. Babji Piraji Nikhate had self acquired land of 74-R in Gat No.396/1/A at Kasbe Risod. After demise of Babji no any mutation entry of legal heirs was effected and partition of that land was not took place between legal heirs. But accused No.1 obtained false heirship certificate by misleading to court and accused No.1 also filed false affidavit before revenue department stating that, accused No.1, Gajanan and Kailas are

only legal heirs of Babji.

4. On 12/06/2024 at about 10.00 a.m. when complainant came to Risod for marriage ceremony that time she knows about said facts. Thereafter, complainant asked to accused No.1 about mutation entry of land. Accused told that the said land was transferred to accused No.4 & 5 on the basis of sale deed. That time accused No.1 abused and threatened to kill her. Hence, acts of the accused persons constitute offence punishable under section 318(4), 336(3),340(2), 336(2), 351(2), r/w 3(5) of B.N.S.
5. Thereafter, on 13/06/2024 complainant went to police station for filing complainant but police has refused therefore complainant has sent complaint through R.P.A.D. But police has not taking any cognizance. Thereafter complainant approached S.P. Washim but no any action taken against accused persons. Lastly, complainant prayed to send this complaint u/s.175(3) of B.N.S.S. for detail investigation to Risod Police Station.
6. In order to take recourse to section 175(3) of B.N.S.S. the complainant has to prima-facie satisfy that avernments made in complaint prima-facie constitute cognizable offence as alleged. Perusal of avernments in the complaint and documents in support complaint shows that allegation are in respect of offences 318(4),336(3),340(2),336(2),351(2), r/w 3(5) of B.N.S. It is pertinent to note that the alleged offences are based upon documentary evidence. The

complainant has filed on record almost all document in support of her contention. In this background investigation through the Police does not appear to be necessary. Therefore, this Court is not inclined to issue direction as per Section 175(3) of B.N.S.S. Thus, considering the allegation made in the complaint it will be just and proper to proceed with application/complaint as per Chapter XVI of B.N.S.S. In the result I pass following order.

:- ORDER :-

1. The prayer u/s 175(3) is hereby rejected.
2. Case be put up for verification of complainant under section 223 of B.N.S.S.

Risod
Date : 20/01/2026

(D. M. Gaikwad)
Judicial Magistrate First Class,
(Court No.2) Risod.

CERTIFICATE

I affirm that the contents of this P.D.F file Judgment/ Order are same word to word as per the original order.

Name of Steno. :- B. V. Bhisade (Stenographer-3)
Court Name :- Jt. Civil Judge (Jr.Dn.) and J.M.F.C.,
Risod. Dist. Washim.
Date :- 20/01/2026
Order signed by the :- 20/01/2026
presiding officer on
Order uploaded on :- 22/01/2026