

**ORDER BELOW EXH.01 CRI.M.A. No.125/2025**

Bhaskar Sampat Kamble Vs. Ratan Pralhad Kamble

The present application under Section 175 (3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) filed by the applicant, father of the deceased, seeking directions for registration of FIR and investigation into the death of his son. The applicant further prays for re-investigation, including re-panchnama, re-recording of statements, and cancellation of the marg summary.

02. Perusal of the record shows that the alleged incident occurred on 05.03.2025, and a case under the head of registration of unnatural death under Section 194 BNSS was registered on 06.03.2025. Following registration, the statements of the applicant and the accused were duly recorded. Thereafter, spot panchnama, inquest panchnama, and post-mortem examination of the deceased were conducted, and the reports have been filed on record. The post-mortem report clearly notes the cause of death as “asphyxia due to hanging”, and no medical evidence indicates injuries, marks, or signs inconsistent with suicidal hanging.

03. The Advocate for the applicant contends that his son did not die by suicide but was murdered by the accused, who had allegedly promised to adopt the deceased and settle him by purchasing a vehicle. He alleges that the accused conspired to commit murder and made it appear as a suicide. He also claims that during the marg enquiry, a photograph of the deceased in the position of hanging was taken by the Investigating Officer but not

filed; he asserts that in the alleged photograph the hanging rope was green, whereas in the photograph attached to the marg summary it is white. The applicant also points to minor discrepancies in the spot panchnama and inquest panchnama, such as the height of the room, door position, and other formalities, and contends that the applicant's statement was not recorded or signed. Based on these grounds, he seeks directions for re-investigation, re-panchnama, re-recording of statements, and cancellation of the marg summary.

04. Upon careful examination of the documents and statements, it is evident that no party, including the applicant, raised any prima-facie theory of murder or conspiracy during recording of statements. The claimed photograph, which has not been produced or substantiated, cannot form the basis for alleging a cognizable offence. Moreover, the applicant has not challenged the marg summary, nor has he produced any new evidence that would indicate mala fide action or improper investigation by the police.

05. The Hon'ble Supreme Court in *Priyanka Srivastava v. State of U.P. (2015)* and *Sakiri Vasu v. State of U.P. (2008)* has clarified that powers under Section 156(3) CrPC can be exercised only when the application discloses specific material indicating commission of a cognizable offence. Mere suspicion, perceived discrepancies, or dissatisfaction with procedural formalities are insufficient. Even under Section 175 BNSS, the request for re-investigation, re-panchnama, re-recording of statements, or cancellation of the marg summary cannot be granted without credible evidence indicating irregularity or commission of an offence.

06. In the present case, the application is primarily based on suspicion, alleged minor discrepancies and conjectures, and does not disclose any new or credible material sufficient to doubt the conclusions of the marg enquiry or the post-mortem findings. The grievance essentially relates to dissatisfaction with the official enquiry, which can be addressed through a private complaint under relevant provision. In the absence of any substantial material, no direction for registration of FIR, re-investigation, or cancellation of the marg summary can be issued.

-: ORDER :-

01. The application under Section 175(3) of BNSS stands rejected.
02. The application as treated as a complaint.
03. The matter is posted for verification of the complainant.
(Dictated and pronounced in open Court)

Place : Malegaon
Date : 02.01.2026.

[**A.S.Koshti**]
J.M.F.C. (Court No.2) Malegaon
Dist. Washim

<u>CERTIFICATE</u>		
I affirm that, contents of this PDF file is same word to word, as per original Order :-		
1. Name of the Stenographer	:-	Shivam B.Patange (L.G.)
2. Court Name	:-	Jt. C.J.J.D. & J.M.F.C., Malegaon
3. Order dated	:-	02.01.2026.
3. Order Signed by the P.O.	:-	02.01.2026.
4. Order uploaded on	:-	02.01.2026.