

MHND030071982025



Other Misc.Cri.Appln/770/2025
Pranita W/o Ravindra Gatalewar
Vs.
Nimish Rayalwar and others

ORDER BELOW EXH.1

(Passed on 06.08.2026)

This is an application filed for issuing directions to the Vazirabad Police Station, Nanded as per Sec. 156(3) of Criminal Procedure Code, 1973 for the offences punishable under section 120(B), 302, 201 and 203 r.w. section 34 of Indian Penal Code, 1860.

2. The say of concerned police officer is called. The concerned police officer has filed his reply below Exh. 06.

3. Perused the application and reply filed thereon by the concerned police officer. Heard, the Ld. Advocate for the applicant. Considered his submissions.

The Facts necessary for the determination of the present application are described in nutshell as under :

4. It is contended by the applicant that, one Mangala Prakash Bhurewad was mother of applicants and respondent No.3. Mangala had immovable properties in her name at Itwara and Shakti Nagar, Nanded. Mangala was residing with respondents. The respondents took disadvantage of Mangala's ignorance and they transferred the properties of Mangala in their name.

5. On 25/01/2023 Mangala wished to go at applicants house at Yavatmal open which the respondents quarreled with her. The respondents pushed Mangala due to which she fell down and sustained

injury her head. On 25/01/2023, Mangala was going to wards bus stand. The respondents deliberately asked Mangala to sit on the motorcycle and caused her to fall down from motorcycle resulting into bleeding injury on her head. Instead of taking her to the hospital, the respondents sent Mangala to Yavatmal by bus.

6. Mangala was traveling from Nanded to Yavatmal. At Umarkhed, Mangala fell down in the bus due to giddiness. The conductor and driver of bus admitted Mangala at hospital in Yavatmal. On 27/01/2023, Mangala died at Vinoba Bhave hospital, Yavatmal. After death of Mangala, the applicants were not in contact with respondents. On 07/07/2025, the respondents filed complaint against applicants at Itwara police station, Nanded. On 30/07/2025 and 15/09/2025, the applicant filed applications at Superintendent of police, Nanded to inquire into the reason of Mangala's death. However, no cognizance is taken about the same. Hence, applicants have knocked doors of the Court by moving the present application. At last, they have prayed to allow the present application and have sought directions from this Court to direct the Vazirabad Police Station, Nanded to lodge FIR against the proposed accused persons.

7. The concerned police officer of Vazirabad Police Station, Nanded has filed his reply to the present application at Exh. No. 06. As per his reply, the application filed by applicants at Itwara police station, Nanded is transferred to Vazirabad police station, Nanded.

8. Before touching the merits of the present application, it is necessary to point out some important ingredients as following to be fulfilled in order to issue directions under Sec. 156(3) of Criminal Procedure Code, 1973 for the offences punishable under section 120(B), 302, 201 and 203 r.w. section 34 of Indian Penal Code, 1860.

- a. The allegations must be in respect of commission of cognizable offence,
- b. The applicant should have approached the concerned police station for giving the information about the commission of cognizable offence and there should be refusal on the part of officer in charge of police station to record the information of cognizable offence,
- c. The applicant should send the substance of the information, in writing and by post to the Superintendent of Police,
- d. There should be failure on the part of Superintendent of Police to investigate the case,
- e. The application under Sec. 156(3) of Criminal Procedure Code, 1973 must be supported by affidavit,
- f. There must be necessity of police investigation for digging out the evidence which is neither in possession of the applicant nor can be procured without the assistance of police,
- g. The contents of application constituting the allegations should be considered as true without looking into the veracity of those allegations.

9. Perused the record of present proceeding. It appears that, the present application is supported with the affidavit as required by the statute. Thereafter, the documents filed by the applicants below list Exh.4/1 show that the applicants have approached at concerned police station and at Superintendent of police, Nanded for giving the information of the alleged incident. Thus, it appears that the applicants have duly complied with the necessary compliance before filing of the present application. I have also gone through the documents filed by applicants below Exh.4.

10. Now, I move towards scrutinizing whether the information as mentioned in the present application discloses the commission of offences punishable under section 120(B), 302, 201 and 203 r.w. section 34 of Indian Penal Code, 1860.

11. It is the case of applicants that the respondents pushed Mangala due to which she fell down and sustained injury her head. It is also contended that, the respondents deliberately asked Mangala to sit on the motorcycle and caused her to fall down from motorcycle resulting into bleeding injury on her head. Except this, there is nothing on record to show the acts of respondents.

12. The essential ingredient of the offence of murder as defined under section 300 of IPC is that, the act done by accused should be done with intention of causing death or the accused shall commit the act resulting into death of the victim with knowledge that, the injury caused to victim is likely to cause death of victim.

13. The documents filed by applicants below list Exh. 4 reflect that, the death of Mangala is caused due to head injury sustained by Mangala due to falling down from motorcycle due to greediness. There is nothing on record to show the direct nexus of death of Mangala and the alleged acts of respondents. The contentions has mentioned in paragraph No.3 of application are totally vague.

14. It is the case of applicants that, the death of Mangala was caused on 27/01/2023. The record show that, the applicants filed application dated 30/07/2025 to the police to inquire into death of Mangala. Here, the applicants have failed to give any plausible explanation behind delay of almost two and half years in filing the

application for setting criminal law in motion.

15. The information as prescribed in the present application does not fulfill all the essential ingredients of the offences punishable under section 120(B), 302, 201 and 203 r.w. section 34 of Indian Penal Code, 1860. Rather, it shows that, there exists certain property dispute in the applicants and respondents.

16. In view of the aforesaid reasons, the present application is liable to be rejected. Accordingly, I pass following order –

ORDER

The application is rejected.

Date – 06/08/2026

(A. G. Chavhan)
Judicial Magistrate First Class,
Court No.06, Nanded

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order is same word to word, as per the original Judgment/order.

Name of Stenographer : Saroj M. Sarpate

Court : 6th Jt. JMFC., Nanded.

Date : 06.08.2026

Judgment/Order signed by the
Presiding Officer : 06.08.2026

Judgment/Order uploaded on: 06.08.2026
