



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.748/2024

Smt. Geetabai wd/o. Dadarao Vaidya and Anr.

Vs.

State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. M. Bahirwar Advocate for Petitioners.
Mr. M. K. Pathan, A.P.P. for Respondents/State.

CORAM : VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 24/09/2024.

. Heard.

2. It is the petitioners' grievance that respondent No.4 has fraudulently got executed sale-deed under impression of executing mortgage documents on 10.04.2023. It is the petitioners' case that the transaction was about hand loan, however, respondents played fraud and got executed sale-deed. The petitioners alleged that they had approached to respondent No.3 Police Station on 26.02.2024, however, police did not accept the report, therefore, the petitioners sent the complaint by way of Post (Page 46) and then, sent another complaint to Superintendent of Police, Wardha (Page 55) on 29.02.2024. According to the petitioners, later on respondent No.4 has deceitfully sold said property in favour of respondent Nos.5 and 6 and, therefore, sought directions for registration of crime.

3. It appears that registered sale-deed was executed on 10.04.2023, after 10 months, grievance was put forwarded, perhaps, by Post first time. Concededly,

the petitioners have not approached to the Magistrate for taking cognizance and directions for registration of crime. Section 173(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) provides a remedy to the aggrieved informant that on refusal of the registration of crime by the concerned police, he has to apply in writing to the Superintendent of Police and, then to the Magistrate under Section 175(3) of the B.N.S.S.

4. At the inception, we have no material to arrive on conclusion that a complaint was filed in person with the police. Having peculiar facts, we direct the petitioners to file a report with respondent No.3 Police Station on which they shall act in accordance with law. Obviously, if the police failed to take action, the petitioners are free to avail further remedies under Section 173(4) and 175 of the B.N.S.S..

5. The petition stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)