

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5647 OF 2015

RAMDAS S/O DATTU MOHITE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Kachru A. Ingle.
APP for Respondent No.1: Mr. S. P. Deshmukh.

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CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 05th January, 2016.

P.C.:

. This criminal application deserves to be allowed. The Applicant is an accused in Crime No.64 of 2015 registered at Hasnabad Police Station, Taluka Bhokardhan, District Jalna. It is alleged against him that he could be involved in theft that took place during the night of 6th September, 2015 and 7th September, 2015 in the house of Complainant / Prakash Mohite. He alleged in his complaint that while he was not present in the house, someone entered in his house from rear door and took away some valuable articles from his house. He suspected that it is the Applicant who could have committed theft. Investigation took place and the learned APP now possesses entire investigation papers. On perusal of the same,

learned APP states that there is no ground for proceeding against the Applicant. Investigation did not reveal that it was the Applicant or his friends who were involved in the theft. No recovery of stolen articles took place from the Applicant.

2 Learned counsel for Applicant states that his client was not even arrested. In these circumstances, there can be no progress in the investigation. The Investigation thus is an empty formality and in our view cannot lead to filing of charge-sheet. We deem it necessary to quash the complaint.

3 Hence, the application is allowed. Complaint is quashed.

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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