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IN THE COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 222/ 2018

(1. Vijay s/o Pundlikrao Chawhan and others vs. State of Maharashtra )

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

Court's or Judge's order

Mr. R.R. Vyas, Advocate for the applicants

Mr. B.M. Lonare, Additional Public Prosecutor for respondent

**CORAM : SMT. VASANTI A. NAIK &  
MRS. SWAPNA JOSHI, JJ.**

**DATED : 14<sup>th</sup> March, 2018.**

Heard.

By this Application, the applicants seek the quashing and setting aside of the First Information Report registered against the applicants 2, 3 and 4 for the offences punishable under section 380 and 454 of the Indian Penal Code.

The applicant no.1 is the real paternal uncle of the applicant no.2. The applicant nos. 3 and 4 are the friends of the applicant no.2 and they are taking education in the Engineering College. The applicant no.1 and the applicant no.2 reside in the same building. A complaint was lodged by the applicant no.1 in the Police Station that on 20<sup>th</sup> February 2018, he had noticed that his almirah was opened/broken and a sum of Rs.2,50,000 lakhs was missing from the almirah. It is stated that the applicant no.

1 believed that the applicant nos.2 to 4, being college-going students must have stolen the amount of Rs. 2,50,000/-. It is stated that the applicant no.1, however noticed after a couple of days that the amount of Rs. 2,50,000/- was kept by him in a suitcase/trunk and on a mistaken belief that the applicant nos. 2 to 4 has stolen the amount, he had lodged the complaint against them. It is stated that an affidavit stating the aforesaid facts is filed before the Judicial Magistrate First Class. It is stated that since the First Information Report was registered on the basis of the complaint lodged in view of the misunderstanding, the First Information Report registered against the applicant nos. 2 to 4 should be set aside.

All the applicants are personally present in the Court today. It is stated by the applicant no.1 that a complaint was lodged by him in view of the misunderstanding. It is stated that when the amount of Rs. 2,50,000 lakhs was not found in the cupboard, he erroneously believed that the said amount must have been removed by the applicant no.2 with the help of his friend as they were taking education in the College. It is submitted that since the amount of Rs. 2,50,000/- is found in the suitcase and since it appears that the said amount was not stolen by anybody, the applicant no.1 desires that the First Information Report registered against the applicant nos.2 to 4 should be quashed and set aside.

In the circumstances of the case, it would be necessary to quash and set aside the First Information

Report registered against the applicant nos. 2 to 4 for the offences punishable under sections 380 and 554 of the Penal Code. It would be an abuse of the Court if the First Information Report registered against the applicant nos.2 to 4 is not quashed and set aside. It appears that on a mistaken belief that the applicant nos.2 to 4 had stolen the amount of Rs. 2,50,000/-the applicant no.1 had lodged the complaint against the applicant nos.2 to 4. In view of the subsequent development pertaining to the recovery of the amount of Rs.2,50,000/-from the suitcase of the applicant no.1, the First Information Report registered against the applicant nos.2 to 4 needs to be quashed and set aside, with a view to secure the ends of justice.

Hence, for the reasons aforesaid, by relying on the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh and another vs. State of Punjab and another* reported in *(2014) 6 SCC 466*, we quash and set aside the First Information Report against the applicant nos.2 to 4 for the offence punishable under sections 380 and 454 of the Penal Code. Order accordingly. No costs.

**JUDGE**

**JUDGE**

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