

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APL) NO.1156 OF 2022.**

{Shri Tamanche Nakul Rajubhai and Ors. ..Vrs.. State of Maharashtra}

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

*Court's or Judge's order*

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Shri S. S. Sitani, Advocate for the Applicants.  
Ms N. Tripathi, APP for the Non-Applicant/State.

**CORAM : MANISH PITALE AND**  
**VALMIKI SA MENEZES, J.J.**

**DATE : 26<sup>th</sup> AUGUST, 2022.**

1. At the outset, the learned counsel appearing for the applicants submits that inadvertently complainant was made a joint applicant alongwith the accused persons. He orally prays for transposition of the applicant no.5 (original complainant) as non-applicant no.2.

2. Oral prayer is granted. The amendment be carried out in the cause title forthwith.

3. The learned counsel for the applicants submits that the First Information Report (FIR) in the present case appears to have been registered due to misunderstanding and misconception on the part of the non-applicant no.2. Although, the offence pertains to theft under Section 379 of the Indian Penal Code (IPC), it is submitted that the non-applicant no.2 has received the entire gold ornaments in respect of which, grievance was raised.

4. Attention of this Court is invited to affidavit dated 27.07.2022, sworn by the Deponent submitting that the

grievance against the applicants no longer survives and that he does not want to proceed with the criminal proceedings any longer.

5. The non-applicant no.2 as well as the applicants are present in the Court and the non-applicant no.2 specifically submitted before this Court in terms of the affidavit placed on record.

6. Although, on the face of it, the offence registered against the applicants appears to be a serious offence, but as laid down by the Hon'ble Supreme Court in the case of Gian Singh .Vrs.. State of Punjab and another, 2012 (10) SC 303, if the Court finds that no useful purpose would be served by allowing the criminal proceedings to continue, the FIR, in a given set of circumstances, could be quashed.

7. Since we have verified from the non-applicant no.2, who is present in the Court that he no longer has any grievance in the matter, we are inclined to allow the present application. Accordingly, the criminal application is **allowed** in terms of prayer Clause (a) and FIR bearing No.187 of 2022, dated 27.03.2022, registered with Police Station Tahsil, District Nagpur, for offence under Section 379 of the IPC, is quashed.

(VALMIKI SA MENEZES, J.)      (MANISH PITALE, J.)

TAMBE