



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

CRIMINAL APPLICATION (APL) NO.945 OF 2025

Naresh s/o Wamanrao Rathod

Vs.

The State of Maharashtra, through Police Station Officer, Police Station
Ladkhed District Yavatmal and another

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

Court's or Judge's orders

Mr. A. A. Zade, Advocate along with Mr. A. V. Chirde, Advocate for
applicant.

Mr. A. G. Mate, APP for non-applicant No.1/State.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 18/12/2025

1. Present application is preferred by the applicant for quashing of the First Information Report (in short 'FIR') in connection with Crime No.318/2024 registered with Police Station Ladkhed, District Yavatmal, for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the applicant, who submitted that the applicant is not named in the FIR. As per the allegation, the FIR came to be lodged on the basis of a report lodged by Shalik Kisanrao Ladke, who is the Police Constable on an allegation that when he was doing the patrolling duty, he received the information that in one auto bearing No. MH-29-M-3224, the persons therein are carrying the stolen property i.e. iron plates three in numbers, iron pipe

one in number and iron centering pipes and iron rods, therefore, he chased the said auto and the said auto was intercepted wherein the co-accused Datta Atmaram Rathod was found. He was taken into custody and the said goods were also taken into custody. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that merely on the basis of a statement of the co-accused, he has concealed the said goods in the agriculture field of the present applicant. The present applicant was arraigned as an accused. Even accepting the statement of the co-accused, which is in fact, not admissible. No role is attributed to the present applicant. The said statement nowhere states that in joining hands with the present applicant, the other co-accused has committed theft and concealed the goods. Thus, even that statement is also not sufficient to show the involvement of the present applicant in the alleged offence. In view of that, no *prima facie* case is made out and therefore, the application deserves to be allowed.

4. Per contra, learned APP strongly opposed for the same and relied upon the memorandum statement of the co-accused and submitted that the involvement of the present applicant revealed on the basis of the statement of the said co-accused and therefore, the application deserves to be rejected.

5. On hearing both sides and on perusal of the entire investigation papers, it reveals that the only statement of the co-accused is that he has concealed the said goods or the stolen property in the agriculture field of the present applicant. This statement which is not admissible, nowhere states that in connivance of the present applicant, he has committed the theft and with the permission of the present applicant, he has concealed the said stolen articles in the agriculture field. Thus, admittedly, there is no *prima facie* case to show the involvement of the present applicant in the alleged offence. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.318/2024 registered with Police Station Ladkhed, District Yavatmal, for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No. 239/2024 pending before the learned Judicial Magistrate First Class, Darwha, District Yavatmal, is hereby quashed to the extent of the present applicant.

The application is disposed of.

(NANDESH S. DESHPANDE, J) (URMILA JOSHI-PHALKE, J)