

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**920 CRIMINAL APPLICATION NO. 2691 OF 2018
WITH
APPLN/368/2018**

NILESH SUDHAKAR SALVE

VERSUS

THE STATE OF MAHARASHTRA AND ANR

Advocate for Applicant : Shaikh Mazhar A. Jahagirdar
APP for Respondent No.1 : Mr. R. V. Dasalkar.
Advocate for respondent No.2 : Mr. S. D. Tawshikar.

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.**
DATE : 16-10-2018.

JUDGMENT : (PER COURT)

1. Rule. Rule made returnable forth. By consent, heard both the sides for final disposal.
2. The first proceeding is filed for the relief of recalling the order of dismissal made made by this Court in second proceeding i.e. Criminal Application No. 368 of 2018 on 27-06-2018. The proceeding was dismissed for non prosecution by this Court. The said proceeding was filed for relief of quashing of FIR No. 348 of 2017 registered with Tophkhana Police Station, Nagar, for the offences punishable under Section 307, 452, 323, 504, 506 of Indian Penal Code. During the arguments learned counsels of the applicant

and first informant submitted that, parties have settled the dispute. Affidavit-in-reply of the first informant is filed and it shows that, she has no objection to grant the relief claimed. She has contended that, she had given the report out of anger and now the applicant and the first informant decided to get married.

3. In view of these circumstances and nature of allegations made in the FIR and nature of injuries, this Court holds that applications needs to be allowed. In the result the first proceeding is allowed. The second proceeding restored and it is also allowed. Relief is granted in second proceeding in terms of prayer Clause 'B'. Rule made absolute in those terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.