

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

**914 CRIMINAL APPLICATION NO.4691 OF 2017**

- 1) Vishnu S/o. Laxman Salve.
- 2) Bhaskar S/o. Laxman Salve.
- 3) Shivaji S/o. Laxman Salve.
- 4) Gajarabai W/o. Laxman Salve.
- 5) Jaya W/o. Shivaji Salve.
- 6) Sangita W/o. Bhaskar Salve. **... Applicants**

**Versus**

- 1) The State of Maharashtra.
- 2) Police Inspector,  
Police Station, Majalgaon (R),  
Tq. Majalgaon, Dist. Beed.
- 3) Vaishali W/o. Vishnu Salve. **... Respondents**

...  
Advocate for Applicants : Mr. Ankush N. Nagargoje.

APP for Respondent/State: Mr. S. J. Salgare.  
...

**CORAM : SARANG V. KOTWAL AND  
BHARAT P. DESHPANDE, JJ.**

**DATE : 19<sup>th</sup> July, 2022.**

**P.C.:**

. Vide order dated 13<sup>th</sup> October, 2017, the Court had directed the investigation to proceed. It was also observed that if the charge-sheet was not already filed on that date, it shall not be filed without seeking leave of this Court.

2 Learned APP submits that the investigation has proceeded and the charge-sheet is ready. Because of this order, since leave was not taken by the investigating officer, the charge-sheet could not be filed.

3 Learned counsel for the applicants states that there was settlement between the parties and the respondent No.3 is now residing with the husband. However, he does not have any documentary proof in support of that contention.

4 The application is pending since 2017. Considering the overall aspects, in the interest of justice, following order is passed:

### **ORDER**

- I. Leave is granted to the investigating officer to file charge-sheet before the appropriate Court.
- II. The applicants are at liberty to challenge the proceedings on merits before this Court based on the material collected during investigation, which forms part of the charge-sheet.
- III. If any such application is preferred on merits of the matter before this Court, it shall be decided on its own merits in accordance with law.

IV. If the matter is settled between the parties, the applicants are at liberty to approach this Court for quashing by consent based on the necessary affidavit of the first informant.

V. With these directions, the application is disposed of.

*nga* [ BHARAT P. DESHPANDE, J. ]

[ SARANG V. KOTWAL, J. ]