

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

CRIMINAL APPLICATION NO.4392 OF 2022

SANTOSH DAMODHAR ARGADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. K.D. Jadhav, Advocate for the Applicant.

Mr. S. D. Ghayal, APP, for the Respondent – State.

Mr. D. V. Manwatkar, Advocate for the Respondent No. 2.

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : MARCH 01, 2023

PER COURT :

1. This is an application under Section 482 of Cr.P.C to quash FIR No. 496/2022 registered with Gangapur Police Station (Rural) Dist. Aurangabad for the offences punishable under Sections 323, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017.

2. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No. 2. The allegations in the FIR are that on 13.11.2022 the Applicant and some unknown person assaulted the Respondent No. 2 by

giving slaps and also threatened to cause his death. It is stated that he snatched the mobile and threatened the Respondent No. 2 to delete the photographs taken by him. On the basis of these allegations, the aforesaid crime came to be registered.

3. Learned Counsel for the Applicant as well as Respondent No. 2 state that parties have settled the dispute amicably. The Respondent No. 2 has filed his affidavit wherein he has given no objection to quash the FIR. The Respondent No. 2 is present before the Court. He confirms the contents of the affidavit and has accorded no objection to quash the FIR, in view of the settlement arrived at between the parties. We are of the view that the settlement is voluntary and genuine.

4. It is stated that though Section 34 IPC has been invoked, apart from the Applicant no other person is involved in committing the alleged crime. The parties have settled the dispute amicably & the settlement in our view is voluntary and genuine. The offences under Sections 323 & 506 are non-cognizable while offences under Sections 3 & 4 of Maharashtra Media

Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017 is punishable with maximum sentence of three years.

5. Considering the nature of the offences and considering the settlement arrived between the parties, in our considered view, this is the fit case to exercise powers under Section 482 of Cr.P.C to secure the ends of justice.

6. In the result, the Application is allowed in terms of prayer clause 'B' subject to payment of cost of Rs. 5,000/- to be paid to High Court Bar Association Library, Aurangabad within two weeks.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)