

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: November 22, 2019

+ **Crl.M.C.5090/2019**

SMILEY

..... Petitioner

Through: Mr. Anil Singh, Advocate with
petitioner in person

Versus

STATE & ANR.

..... Respondents

Through: Ms. Rajni Gupta, Additional Public
Prosecutor for respondent
No.1/State with SI Ajay Kumar
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI
JUDGMENT

BRIJESH SETHI, J (oral)

Quashing of FIR No. 215/2017, under Section 324 IPC, registered at police station Kirti Nagar, New Delhi is sought on the basis of Compromise Deed of 18th September, 2019 reached between the parties.

According to the FIR, a sharp knife injury was inflicted on the neck of respondent No.1/husband by petitioner/wife. A query was put up by the Coordinate Bench as to why Section 324 IPC only was invoked and as to whether any objection was raised by the prosecutor before the *challan* was put up before the court. Learned Additional Public Prosecutor for State informs that the matter was inquired into and medical opinion (MLC) was also obtained, which shows that the knife in question was a kitchen knife and injuries were simple in nature and, therefore,

Section 324 IPC only was invoked. Learned Additional Public Prosecutor for respondent No.1/State further submits that respondent No.2 is present in the Court and he has been duly identified to be the complainant of FIR in question on the basis of identity proof furnished by him.

Respondent No.2, present in the Court, submits that the dispute between the parties has been amicably resolved in terms of Compromise Deed of 18th September, 2019 and he is peacefully living with petitioner/wife and no grievance against her survives and so, the FIR in question and proceedings emanating therefrom be quashed.

In view of the above submission of respondent No.2, who is the complainant of FIR in question and keeping in mind the fact that charge-sheet in this case was filed only for the offence under Section 324 IPC and that upon inquiry it has emerged that the knife used was a kitchen knife and that injuries were opined to be simple in nature and not dangerous and also the fact that petitioner/wife and respondent No.2/husband are living together, I find that no useful purpose would be served in continuation of proceedings arising out of FIR in question.

In view of the above, FIR No. 215/2017, under Section 324 IPC, registered at police station Kirti Nagar, New Delhi and the proceedings emanating therefrom, are hereby quashed.

This petition stands disposed of accordingly.

(BRIJESH SETHI)
JUDGE

NOVEMBER 22, 2019

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