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

+ CRL.M.C. 6877/2024 CRL.M.A. 26267/2024

MAYA DEVI

.....Petitioner

Through: Ms. Tanya Agarwal Advocate

versus

STATE OF (NCT OF DELHI) AND ANR.Respondents

Through: Mr. Hitesh Vali, APP for State with
Ms. Singdha Sood, Advocate
SI Anup Rana, PS Paschim Vihar
West

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

02.09.2024

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1. This petition is filed seeking quashing of FIR No.381/2018 PS Mianwali Nagar under Sections 354/354(B)/323/34 IPC. Cognizance has been taken on the charge-sheet has been filed and matter is listed for arguments on charge.
2. Counsel for petitioner states that petitioner is a 78 year old lady who has been roped in an omnibus complaint filed by complainant.
3. A perusal of the FIR, as per petitioner, would bear out that accusation, if any, is against her son Hemant, and rest of the family members have been roped in. None of the complainant's family members got themselves examined and MLC of complainant, which is appended, shows that there is no injury. Further, a cross FIR has been registered being FIR No. 380/2018 at behest of petitioner's niece.
4. Petitioner's counsel points out that in view of the fact that complainant



suffered simple injury, no charges under Section 323 IPC can be made out, as also charge under Sections 354 IPC cannot be made out since there is no such accusation against petitioner in the FIR.

5. Considering these facts and circumstances, the petitioner is at liberty to place these arguments at the stage of framing of charge, before the Trial Court which shall be considered by the Trial Court as per their own merits and in accordance with law.

6. Petitioner's counsel has informed that the matter is coming up before the Trial Court on 10th October 2024. Trial Court shall consider the issues expeditiously, *qua* the petitioner.

7. Considering that petitioner is a senior citizen, Trial Court is expected to address the issue at the earliest.

8. The petition is accordingly disposed of with these observations and directions.

9. Pending applications are rendered infructuous.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 2, 2024/sm