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

+ **CRL.M.C. 5475/2018**

HARISH CHANDRA JOSHI

..... Petitioner

Through: Mr. R.D. Joshi, Adv. with the
petitioner in person

versus

STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Mr.Panna Lal Sharma, APP
with ASI Mithilesh Rai, PS
Fatehpur Beri, Delhi
Mr. Ram Avtar Sharma, Adv.
for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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08.07.2019

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0239/2018, under Section 354 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Fatehpur Beri, Delhi and the proceedings emanating therefrom.

2. The petitioner and respondent No.2 as well as learned counsel for the parties submitted that the parties have settled their disputes on their own free will, without any force or coercion before the Counselling Cell, Family Courts, Saket, New Delhi on 4.10.2018. Learned counsel for the parties further submitted that as per the terms and conditions of the settlement, the parties have agreed to dissolve

their marriage by way of mutual consent in accordance with the law and for this purpose they have already moved a petition under Section 13 (B) (1) of the Hindu Marriage Act, 1955 ('the Act') and shall move the petition under Section 13 (B) (2) of the Act for dissolution of the marriage after quashing of the present FIR.

3. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that she has no objection to the petition being allowed and the FIR being quashed.

4. Learned counsel for the petitioner submitted that the petitioner shall move a petition under Section 13 (B) (2) of the Act within one week from the date of quashing of the aforesaid FIR.

5. The Investigating Officer ('IO'), who is present in Court, has identified the petitioner as well as respondent No.2 and has also verified the settlement.

6. In view of the aforesaid circumstances and the settlement arrived at between the parties, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.0239/2018, under Section 354 of the IPC, registered at P.S.: Fatehpur Beri, Delhi and the proceedings emanating therefrom are quashed with the direction to the petitioner that the petitioner shall move a petition under Section 13 (B) (2) of the Act for the grant of second motion and dissolution of marriage within one week from today failing which the respondent No.2 may move an application before this Court for passing an appropriate order.

7. Petition is disposed of in above terms.

CHANDER SHEKHAR, J

JULY 08, 2019/rk