

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32445 of 2018

Arising Out of PS.Case No. -392 Year- 2015 Thana -BHABHUA District-
BHABHUA (KAIMUR)

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Dinesh Giri @ Dinesh Kumar Giri, S/o Raj Nath Giri, resident of village – Khetapur, P.S. – Nevdhia, District – Jaunpur (U.P.) At present R/o Swaroop Nagar, A/202, Boisar Palghat District – Thane (Maharashtra).

.... Petitioner

Versus

1. The State of Bihar.
2. Rani Giri, W/o Dinesh Kumar Giri @ Dinesh Giri, D/o Dinanath Giri, at present R/o Bhabhua, Ward No. 21, P.S. – Bhabhua, District – Kaimur (Bhabhua), Bihar.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha
For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 09-10-2018

This application has been preferred for quashing of the first information report giving rise to Bhabhua P.S. Case No. 392/2015 and G.R. No. 1714/2015 lodged by the informant – wife (O.P.No.2) for the offences alleged under Section 498A, 312, 313, 315, 323, 504, 307/34 of the Indian Penal Code as also under Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the opposite party no. 2 has appeared in this case on his own. Learned counsel for the parties jointly submit that the F.I.R. was lodged by opposite party no. 2 because of



matrimonial dispute. It is submitted that now the parties have settled their dispute vide Annexure-5 to the present application, whereunder they have decided to go for divorce with mutual consent under Section 13B of the Hindu Marriage Act.

It has been agreed that the petitioner shall pay a sum of Rs. 17 lakhs to the opposite party no. 2 in full and final settlement of her claim for maintenance and *Stridhan*. It is also submitted that out of Rs. 17 lakhs a sum of Rs. 13 lakhs has already been given to the opposite party no. 2. The parties have agreed that the rest amount of Rs. 4 lakhs will be paid after passing of the decree of divorce by mutual consent in the family court.

It is submitted that the parties have preferred application under Section 13B seeking divorce by mutual consent. In this regard Annexure-3 to the present application has been placed before this court.

Considering the facts and circumstances of the case wherein learned counsel for both the parties have jointly submitted that the F.I.R. was lodged because of matrimonial dispute and now the



parties have already settled their disputes amicably, this court is of the considered opinion that the request of the parties together to quash the present F.I.R. is required to be accepted in their interest.

In the result, the F.I.R. being Bhabhua P.S. Case No. 392/2015 and G.R. No. 1714/2015 is hereby quashed, and this application is allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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