

Court No. - 55

Case :- CRIMINAL REVISION No. - 4188 of 2018

Revisionist :- Ram Shanker And 3 Others

Opposite Party :- State Of U.P. And Another

Counsel for Revisionist :- K.K. Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Chandra Dhari Singh,J.

Heard learned counsel for the revisionists and learned A.G.A. for the State-respondent.

The present criminal revision has been filed against order dated 26.09.2018 passed by 9th Additional Sessions Judge, Fatehpur in criminal appeal no. 84 of 2016 (Ram Shankar and others Vs. State of U.P. and another) whereby the appeal filed by the revisionists was rejected affirming the order dated 23.09.2016 passed by A.C.J.M., Court No.12, Fatehpur in Case No. 313 of 2015 (Snowwhite @ Snehlata Vs. Neeraj @ Abhay and others), under section 12 of Protection of Women from Domestic Violence Act, 2005, P.S. Malwa, District Fatehpur.

Learned counsel for the revisionists submits that the judgment and order dated 26.09.2018 passed by 9th Additional Sessions Judge, Fatehpur and order dated 23.09.2018 passed by A.C.J.M., Court No.12, Fatehpur are wholly illegal, arbitrary and liable to be set aside. It is also submitted that the revisionist no.1 has made declaration in the new paper "Aaj" dated 03.06.2012 that he has broken the relationship from his son Abhay Kumar @ Neeraj Kumar and daughter in law Snowwhite @ Snehlata and revisionist no.1 had deprived them from their movable and immovable property. The revisionist no.1 and his family members are not responsible for their activity and behaviour. He further submits that the application under section 12 of Protection of Women from Domestic Violence Act, 2005, P.S. Malwa, District Fatehpur was filed by opposite party no.2 but both the courts below have not considered the declaration made by revisionist no.1 in news paper dated 03.06.2012 breaking the relationship from them and the application under section 12 of Protection of Women from Domestic Violence Act, 2005 was filed in the year 2015, therefore, the impugned orders passed by the courts below deserve to be set aside. He further submits that court below vide order dated 03.09.2016 has passed the impugned order without applying his judicial mind that he has no jurisdiction to entertain the application under section 12 of Protection of Women from Domestic Violence Act, 2005.

Learned Additional Government Advocate appearing on behalf of State-respondent vehemently opposed the contentions raised on behalf of the revisionists and

submitted that there is no illegality in the impugned orders and therefore, the present revision deserves to be dismissed.

I have heard the arguments raised on behalf of the parties and perused the record.

The impugned orders have been passed by the courts below after considering each and every aspects of the matter and the contentions raised on behalf of the revisionists, therefore, this Court finds no error apparent on the face of record. No interference is called for by this Court. The revision being devoid of merit deserves to be dismissed.

Accordingly, the criminal revision is ***dismissed***.

Order Date :- 30.11.2018

Prajapati

[Chandra Dhari Singh, J]