

Court No. - 12

Case :- CRIMINAL REVISION No. - 1036 of 2023

Revisionist :- Prem

Opposite Party :- State Of U.P. Thru. Prin. Secy. / Addl. Chief Secy. Home Lko. And 4 Others

Counsel for Revisionist :- Umesh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the revisionist, learned counsel for the respondents as well as learned A.G.A. for the State.

2. Present revision is moved by the revisionist for quashing the order dated 06.06.2023 and order dated 31.07.2023 passed by Principal Judge, Family Court, Unnao in Criminal Case No.189/2020 (Kamla and Ors. Vs. Prem) under Section 125(3) Cr.P.C.

3. On 10.10.2023, following order was passed:

"1. Vakaltanama filed by Ms. Rajni B. Bajpai, Advocate & Ms. Nidhi Tiwari, Advocate on behalf of the private respondent is taken on record.

2. On 22.9.2023, following order was passed:-

1. Heard learned counsel for the revisionist and learned A.G.A. for the State.

2. The present criminal revision is filed with the prayer to set aside the order dated 6.6.2023 and order dated 31.7.2023, passed by learned Principal Judge, Family Court, Unnao in Criminal Case No.189/2020, 'Kamla & Ors. Vs. Prem', under Section 125 (3) Cr.P.C.

3. Learned counsel for the revisionist submits that revisionist is ready to maintain the private respondent and there is possibility of settlement, in case, matter is sent to the Mediation Center of this Court.

4. Learned A.G.A. also does not dispute this fact that impugned proceeding is a result of some matrimonial dispute.

5. Considering the submissions of learned counsel for the parties, contents of the revision as well as impugned order, matter requires consideration.

6. List this case on 10.10.2023 within top ten cases.

7. On the next date, revisionist as well as private respondent, Kamla W/o Prem, D/o Ram Avtar, R/o Village Dhamiyana, Post Mawai, P.S. Oras, District Unnao.

8. The S.H.O., Police Station Oras, District Unnao is directed to ensure the presence of private respondent before this Court.

9. Until further order, impugned proceeding shall remain stayed.

10. Revisionist is directed to deposit Rs.10,000/- before the Senior Registrar of this Court within ten days, failing which, interim protection granted to the revisionist, shall vacate automatically.

3. In pursuance of earlier order, private respondent, Kamla is present alongwith Sub Inspector, Mr. Mormukut Pandey, Lady Constable Girija, Police Station Auras, District Unnao are present.

4. Smt. Kamla stated that applicant entered into second marriage with Neetu and not even a single penny is paid by the revisionist.

5. List this case on 18.10.2023.

6. On the next date, Mr. Mormukut Pandey, Sub Inspector, Police Station Auras, District Unnao shall appear again before this Court alongwith report of the fact that whether the revisionist is residing with another women, namely, Neetu.

7. On the next date, revisionist as well as private respondent shall appear again before this Court.

8. Revisionist is permitted to deposit Rs.10,000/-, in pursuance of earlier order, within a week before the Senior Registrar of this Court. "

4. In compliance of the aforesaid direction, revisionist, namely, Prem s/o late Lotan @ Ram Lotan, r/o Village- Kazipur, Post-Kodauni, P.S. Kasimpur, District- Hardoi, AADHAR Card No.800509349432 is present and he is duly identified by his counsel.

5. Respondent no.2, namely, Kamla w/o Prem, d/o Ram Avtar, r/o Village- Dhamiyana, Post- Mawai, P.S. Oras, District- Unnao, AADHAR Card No.268935225093 is also present and she is duly identified by her counsel.

6. Shri Mor Mukur Pandey, S.I. P.S. Oras, District- Unnao is also present and placed inquiry report containing 11 pages which was conducted in pursuance of earlier order and the same is taken on record. He informed that the revisionist entered into the marriage with one Neetu d/o Ram Vilas r/o Dipval, P.S. Oras, District- Unnao, AADHAR No.827255490342.

7. It is submitted that the statement of parents of Neetu, namely, Ram Vilas s/o Moti, r/o Dipval, P.S. Oras, District- Unnao AADHAR Card No.827255490342 and Smt. Vimla, w/o Ram Vilas, r/o Dipval, P.S. Oras, District- Unnao, AADHAR Card No.850170036041 was also recorded, in which, they categorically stated that Neetu got entered into marriage with

the revisionist on her own and two kids were born from their wedlock but one kid could not survive, they further stated that Neetu has married against their wish, therefore, they do not have any relation with their daughter any longer.

8. It is next submitted that statement of maternal grand-father of Neetu, namely, Moti, s/o Raghuvar, r/o Dipval, P.S. Oras, District- Unnao AADHAR Card No.560005842550 was also recorded and he stated the same story in his statement.

9. It is also submitted that Village Pradhan Ram Khilavan of the village Dipval gave certificate that as per his information, Neetu entered into the marriage of revisionist Prem.

10. As it is evident from the record that the marriage of revisionist was solemnized with the respondent no.2 in the year of 2011 and from their wedlock, three kids were born, thereafter, controversy was arisen and the application under Section 125(3) Cr.P.C. was moved by the respondent no.2 and the same was allowed by the trial court on 01.10.2019, as the present revision was filed on 14.09.2023 but this fact was not stated by the revisionist that he has entered into marriage with someone else without getting divorce from respondent no.2, therefore, merely on the basis of ground of concealment of fact, present revision is **dismissed**.

11. Rs.10,000/- deposit by the revisionist before the Senior Registrar of this Court be remitted to the respondent no.2 forthwith.

Order Date :- 18.10.2023

V. Sinha