

Court No. - 12

Case :- CRIMINAL REVISION No. - 1132 of 2023

Revisionist :- Gyanmati And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another

Counsel for Revisionist :- Narendra Pratap Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Satendra Nath Mishra, Advocate on behalf of private respondent is taken on record.

2. In pursuance of the earlier order dated 28.10.2023, parties are present along with Shri Ram Vilas Yadav, S.I., P.S. Kundwar, District- Sultanpur.

3. Heard learned counsel for the revisionists, learned counsel for the private respondent, learned A.G.A. for the State and perused the record.

4. Present revision has been moved by the revisionists for quashing the order dated 23.08.2023 passed in Criminal Misc. Case No.1152/2019.

5. Learned counsel for the applicants submitted that the marriage of revisionist no.1 was solemnized with the private respondent on 08.06.1994 and one daughter was born from their wedlock in 2005 and now she has attained the age of majority and at the marriageable age. He further submitted that the application under Section 125 Cr.P.C. was filed, in which, private respondent requested for settlement and the settlement agreement was signed and Rs.10,00,000/- was paid in which 5,00,000/- was paid as one time maintenance to the revisionist no.1. he further submitted that the revisionists are also residing at the house constructed by the private respondent and now he is ousting the revisionists from the premises as there was no condition in the settlement agreement that the revisionists will not reside in the house of the private respondent and the application under Section 128 Cr.P.C. was filed before the trial court but the same was rejected in the most mechanical manner, therefore, kind indulgence of this Court is necessary.

6. Learned counsel for the private respondent opposed the prayer of revisionists and submitted that lump sum maintenance has already been paid to them in terms of compromise and the revisionists are victimizing the private respondent. He further

submitted that the revision is filed by Gyanmati (revisionist no.1) and Rashmi Yadav (revisionist no.2) but the affidavit in support of the application for interim relief/stay is filed by one Gorakh Nath Yadav s/o late Shri Lal Bahadur Yadav, r/o Raipur, P.S. Peeperpur, Tehsil and District- Amethi who is claiming himself as brother of revisionist no.1 and maternal uncle of revisionist no.2 for doing parvi of the case which is not permissible in the criminal cases except the bail application filed under Section 439 Cr.P.C. He further submitted that there is no illegality in the order passed by the trial court, therefore, revision is liable to be rejected.

7. Considering the submissions of learned counsel for the parties, going through the contents of revision, as well as other relevant documents, it is evident from the record that there was an agreement signed in between the parties and all the amount has already been paid to the revisionists and the private respondent has also stated that he will access for solemnizing marriage of his daughter/revisionist no.2 but the revisionist no.1 and her brother are aggressive in nature. Therefore, I am of the view that there is no illegality in the order passed by the trial court.

8. Accordingly, the revision is disposed of with the direction to the private respondent that revisionists will not be forced to vacate the premises in question.

9. Presence of the officer is hereby discharged.

Order Date :- 30.11.2023

V. Sinha