

Court No. - 29

Case :- CRIMINAL REVISION DEFECTIVE No. - 405 of 2023

Revisionist :- Ram Sahay Yadav

Opposite Party :- Shalu Yadav And Another

Counsel for Revisionist :- Suresh Chandra Tiwari

Hon'ble Mrs. Renu Agarwal,J.

1. Heard Ms. Silpi Tiwari, Advocate, holding brief of Sri Suresh Chandra Tiwari, learned counsel for the revisionist, learned AGA for the State-respondent and perused the material brought on record.

2. The present revision has been filed on behalf of the revisionist under section 19(4) of Family Courts Act, 1984 read with section 397/401 Cr.P.C. against the order dated 04.08.2023 passed by Principal Judge, Family Court, Faizabad, in Case No.381 of 2023, under section 125 Cr.P.C. (Shalu Yadav Vs. Ram Sahay Yadav), alongwith application for condonation of delay in filing the present revision.

3. It is contended by counsel for the revisionist that present revision has been filed with delay of two days as the revisionist could not collected the relevant documents within stipulated time.

4. The ground shown in the affidavit filed in support of delay condonation application is sufficient. The delay condonation application is allowed and delay in filling the revision is hereby condoned. Office is directed to allot regular number to the revision.

5. It is submitted by the learned counsel for the revisionist that revisionist and opposite party no.2 are husband and wife. There are some matrimonial dispute between the parties due to which the opposite party no.2 left the house of revisionist and filed application under section 125 Cr.P.C. against the revisionist. The revisionist moved the present revision with prayer to

set-aside the order dated 04.08.2023 and refer the matter to mediation centre for mediation between the parties and settled the dispute through mediation.

6. It transpires from the impugned order dated 04.08.2023 that the court concerned has directed to register the case under section 125 Cr.P.C. and to issue summon to the revisionist to file his objection, if any, in the matter. The revisionist has opportunity to file his objection, but instead of filing the objection before the court concerned, he has filed present revision before this Court.

7. The order dated 04.08.2023 is interlocutory in nature, hence revision is not maintainable. There is no illegality or irregularity in the impugned order dated 04.08.2023, as the revisionist was directed to file his objection, there is no miscarriage of justice and the revisionist may file his objection in the trial court.

8. As the revisionist wants to resolved the dispute with his wife/opposite party no.1 through mediation, hence the revisionist is directed appear before the court concerned and move an application for referring the matter to mediation centre, which shall be decide by the court concerned after hearing both the parties on the date fixed in the matter. The trial court shall take all endeavor to settled the dispute between the parties though mediation.

9. With the aforesaid observation and direction the revision is disposed of.

(Renu Agarwal,J.)

Order Date :- 7.11.2023
VKG