

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

CrI.MC.No. 3466 of 2015 ()

**CRL.RP. NO. 78/2013 OF ADDL. SESSIONS COURT - V, PALAKKAD DATED 22-01-2015
MC.NO. 154/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PATTAMBI
DATED 07-10-2013**

PETITIONER/REVISION PETITIONER/PETITIONER :

**SHAHEERA M.T., AGED 26 YEARS
D/O. ABDUL KAREEM, MELEPATT THODI HOUSE
PULASSERI POST, KOPPAM, PATTAMBI
PALAKKAD DISTRICT.**

BY ADV. SRI.R.SREEHARI

RESPONDENTS/RESPONDENT & STATE/RESPONDENT & STATE :

- 1. SHIHABUDHEEN, AGED 30 YEARS
S/O. KASIM, ALIYATHODI HOUSE, MUNDIYAMPARAMBU
LAKSHAMVEEDU COLONY, CHERPULASSERY
OTTAPALAM TALUK, PIN – 679 503.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
COCHIN – 682 031.**

R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3466 of 2015

Dated this the 15th day of June 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. The petitioner filed an application under Sec.3 of the Muslim Woman (Protection of Rights on Divorce) Act. The 1st respondent was her husband. After enquiry the learned Magistrate held that Ext.D1 proved that there was an agreement between the parties and the respondent/ husband discharged his obligation as former husband of the petitioner and accordingly, he dismissed the application. It was challenged in Crl.R.P. No.78 of 2013. The learned Sessions Judge confirmed the order. The legality of the order is challenged in this Crl.M.C.

3. Heard.

4. A perusal of the deposition of the petitioner who was examined as PW1 shows that she did not challenge even the genuineness of Ext.D1 agreement. So the learned Magistrate was right in holding that there was an agreement between the parties and the

respondent/husband discharged his obligations towards the petitioner. There is no illegality or irregularity committed by the Court below.

In the result, this Crl.M.C. is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A To Judge