

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1790 of 2006 ()

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AGAINST THE ORDER IN MC 97/2002 of C.J.M., KALEPETTA
DATED 31-10-2005
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REVISION PETITIONER(S)/PETITIONER :

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T.SUHARA, D/O.KOYAKUTTY,
AGED 29 YEARS, NO OCCUPATION, THANIKADU VEEDU
MYTHANI, KALPETTA, WAYANAD DISTRICT.**

BY ADV. SRI.R.SURENDRAN

RESPONDENT(S):

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K.SIDDIQUE, S/O.MARAKKAR,
AGED 35 YEARS, DRIVER, AMBILERY
KALPETTA.P.O, WAYANAD DISTRICT.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
26-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

P.D.RAJAN, J.

Crl.R.P.No.1790 of 2006

Dated this the 26th day of October, 2015

ORDER

Revision petitioner is the petitioner in M.C.No.97/2002 on the files of Chief Judicial Magistrate Court, Kalpetta, which was filed under Section 3(2) of the Muslim Women (Protection of Rights on Divorce) Act 1986 (hereinafter called 'the Act' for short) for maintenance.

2. The facts in a nutshell is that on 23.06.1996 the counter petitioner married the petitioner in accordance with the customs of Muslim community. At the time of marriage the petitioner was given 25 sovereigns of gold ornaments, which was misappropriated by her husband. Subsequently the counter petitioner ill-treated the petitioner for more money and he ousted her from the matrimonial house. Petitioner filed C.C.No.141/01 against her husband. She also filed M.C.55/01 which was pending before Judicial First Class Magistrate Court, Kalpetta, for maintenance, alleging that

the counter petitioner has sufficient means to pay the maintenance. The counter petitioner filed objection in the trial court.

3. To prove the averments, revision petitioner examined PW1 and her documents were marked as Exts.P1 to P5. The counter petitioner was also examined as CPW1 and his documentary evidence were marked as Exts.D1 to D5. After hearing both sides, the Judicial First Class Magistrate Court, Kalpetta as per Ext.P4 agreement found that the petitioner accepted Rs.75,000/- as the amount under Section 3(1) of the Act and she is not entitled to get any further amount from the counter petitioner. Being aggrieved by that, she filed this revision petition.

4. When the matter came up for hearing, there was no representation from the side of the revision petitioner. In the circumstance, I have considered the points highlighted by the revision petitioner. It is true that as per Ext.P2 agreement, in M.C.97/2002, a sum of Rs.75,000/- has been accepted by the revision petitioner as claimed by the

husband and she relinquished her right as per Ext.P4 agreement. If that be the position, I am of the view that she is not interested in prosecuting the matter.

In the circumstance, the revision petition is dismissed for non-prosecution.

Sd/-
P.D.RAJAN
JUDGE

VS

/TRUE COPY/

PA TO JUDGE