THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3189 of 2015

JUDGMENT

This revision is directed against the judgment, dated 15.07.2015 passed in Crl.A.No.87 of 2012 by the learned II Additional District and Sessions Judge, Parvatipuram, wherein the order of dismissal dated 19.03.2012 passed in D.V.C.No.1 of 2008 by the learned Additional Judicial Magistrate of First Class, Bobbili, was confirmed.

2. The petitioner herein filed D.V.C.No.1 of 2008 against respondents 2 and 3 seeking to grant reliefs of protection order, to execute the bonds and also to pay an amount of Rs.2,500/- towards loss of earnings of rent per month for the last ten years till the date of filing of this petition, medical expenses of Rs.20,000/- from the combined family properties and also to direct the respondents to sell away property and to give one share to the petitioner. By order dated 19.03.2012, the trial Court after considering the evidence and the documents dismissed the case holding that the disputes have arisen between the petitioner and respondents 2 and 3 with regard to partition of residential house and not under domestic violence Act and the petitioner failed to prove that she suffered with an act of any form of domestic violence in the hands of said respondents. Challenging the same, the petitioner filed Crl.A.No.87 of 2012. The appellate Court on re-appreciation of the entire evidence and the documents dismissed the appeal confirming the order of the trial Court.

3. Heard and perused the material on record.

4. Both the Courts below having observed that the main intention of the petitioner in filing the complaint is to get the ancestral house sold under the guise of domestic violence and instead of filing a suit for partition, this complaint has been filed dismissed the case filed by the petitioner. Considering the facts and circumstances of the case and in view of the concurrent findings of both the Courts below, this Court is not inclined to interfere with the orders impugned.

5. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous Petitions, if any, pending in this revision shall stand dismissed.

RAJA ELANGO, J

12th February, 2016.
sj