
(2000) 11 AHC CK 0001

In the Allahabad High Court

Case No : Criminal Miscellaneous Writ Petition No. 6916 of 2000

Maresh Chandra

APPELLANT

Vs

Addl. Civil Judge (Jr. Division) and Others

RESPONDENT

Date of Decision : 24-11-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (2001) 1 DMC 229

Hon'ble Judges : R.K. Dash, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Dash, J.—Heard learned Counsel for the petitioner.

Smt. Kiran Lata respondent No. 3 herein is a deaf and dumb lady by birth. She was given in marriage to the petitioner in May, 1998. Being denied of love, affection and shelter by no other than her husband, the petitioner, she has been staying with her parents. As it would appear from the judgment passed in the matrimonial proceeding, Annexure-1, on account of non-fulfilment of demand of dowry she was mentally and physically tortured by her husband and other family members. The petitioner is stamp vendor and in order to create evidence to move the Court in future against respondent No. 3 he filed Habeas Corpus Writ Petition No. 35473 of 1999 in this Court and pursuant to notice Smt. Kiran Lata appeared and on being asked by the Court she being deaf and dumb by sign disclosed her desire to go with her father. Upon such statement and having come to a finding that she was not wrongfully confined by her parents the Court dismissed the writ petition by order dated 29.9.2000.

2. Respondent No. 3 being unable to maintain herself moved the Court at Jalaun u/s 125, Cr.P.C. which was registered as Case No. 88 of 2000 claiming maintenance from her husband, the petitioner. Pursuant to notice the petitioner entered appearance and contested the case. The learned Magistrate upon

hearing the parties decided the case in favour of respondent No. 3 by judgment and order dated 8.5.2000 and directed the petitioner to pay her maintenance at the rate of Rs. 500/- per month. In order to deny respondent No. 3 of her right to maintenance the petitioner being stamp vendor of the local Court tried to create evidence that she is a lady of questionable character and with end of view set up persons and filed two separate suits through them before the Judge, Family Court, Jalaun. The first suit (Case No. 32 of 2000) was got filed by one Ramdhani against respondent No. 3 for restitution of conjugal right. It was alleged by the plaintiff that respondent No. 3 is his married wife. The second suit (Case No. 51 of 2000) was got filed by one Ramesh claiming the same relief against respondent No. 3. It was alleged by the plaintiff that he married respondent No. 3 on 29.11.1999 according to Hindu rites and customs. While filing revision assailing the judgment of the learned Magistrate passed in the maintenance proceeding the petitioner filed the certified copy of the aforesaid two suits and urged that respondent No. 3 having tied married knot with two other persons, she can no more be treated his legally wedded wife. It appears from the orders of the Revisional Court that the petitioner himself had also filed a suit for restitution of conjugal right and after an order of interim maintenance was passed on the application of respondent No. 3 he withdrew the suit.

3. From the narration of the facts as aforesaid it leads me to believe that since the petitioner is stamp vendor in the local Court and without any difficulty can prosecute the cases against respondent No. 3, he got false and frivolous suits filed with the help of his own henchmen against respondent No. 3, a helpless deaf and dumb lady making all absurd and baseless allegations. The Revisional Court in its judgment has taken note of all the mischievous attempts of the petitioner which were aimed at respondent No. 3 to humiliate her. Ultimately the learned Sessions Judge dismissed the petitioner's revision and affirmed the Trial Court's order. Aggrieved by the judgment the petitioner has filed the present writ petition.

4. Having considered the facts and circumstances of the case in depth and detail I find no ground to interfere with the impugned orders of the learned Magistrate as well as the learned Sessions Judge in exercise of extraordinary writ jurisdiction. The petitioner in my opinion is a mischief monger and has caused incalculable harm to respondent No. 3 by terming her as a lady of loose moral.

5. Resultantly, the writ petition is dismissed with exemplary cost of Rs. 20,000/-. The petitioner shall deposit the amount with Collector, Jalaun within a period of two weeks from today. On his failure to deposit, the Collector, Jalaun will recover the same as arrear of land revenue and pay the same to respondent No. 3. Copy of the order be sent by the Registry to Family Court and Collector, Jalaun for information.