

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE – IV
THIRUVANANTHAPURAM**

Present: Smt.Swetha Sasikumar, Judicial First Class Magistrate-IV

Tuesday, the 02nd day of September, 2025/11th Bhadra, 1947

MC 22/2025

- Petitioner : Jaba Selina Mary, aged 38 years, D/o.Selina Rajeev, Flat No.3, First Floor, Love Nest Apartment, Indira Nagar, Peroorkada PO, Thiruvananthapuram, Pin Code-695 005
- Respondents : 1. Rajeev Damodaran, aged 47 years, S/o.Damodaran, Flat No.3, First Floor, Love Nest Apartment, Indira Nagar, Peroorkada PO, Thiruvananthapuram, Pin Code-695 005
2. Rajesh Damodaran, aged 49 years, S/o.Damodaran, Flat No.8F, 8th Floor, Sivaji Apartment, Panickers Lane, Jawahar Nagar, Sasthamangalam, Thiruvananthapuram, Pin-695003
3. Aji Rajesh, aged 45 years, W/o. Rajesh Damodaran, Flat No.8F, 8th Floor, Sivaji Apartment, Panickers Lane, Jawahar Nagar, Sasthamangalam, Thiruvananthapuram, Pin-695003
4. Abhinav R, aged 20 years, S/o.Rajesh Damodaran, Flat No.8F, 8th Floor, Sivaji Apartment, Panickers Lane, Jawahar Nagar, Sasthamangalam, Thiruvananthapuram, Pin-695003
- (By Advs. Rajesh K G & Vinusha M V)
- Offence : Offence punishable u/s 12 of Protection of Women from Domestic Violence Act
- Order : Petition is dismissed

ORDER

1. The petitioner has approached this Court under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking maintenance and other reliefs. She alleges that she has been in a domestic relationship with the respondent and that they lived together as partners. To nmsubstantiate her claim, she has produced WhatsApp chats

and photographs indicating intimacy. At the same time, she candidly admits that the respondent has a legally wedded wife and a child and that she was fully aware of the same.

2. The respondent has filed objection denying any domestic relationship with the petitioner. He submits that the petitioner was appointed as caretaker and special teacher of his autistic child and that the present claim is wholly untenable. He argues that even if intimacy is assumed, such a relationship cannot amount to a relationship in the nature of marriage under the provisions of the Act.
3. Following points arise for consideration are:
 1. Whether the petition is allowable or not?
 2. What should be the order?
4. Heard both sides. Perused the petition and affidavit.
5. **Point No.1** : The question whether such a relationship can confer the status of an “aggrieved person” has been settled by the Hon’ble Supreme Court. In *Velusamy v. D. Patchaiammal* [(2010) 10 SCC 469], the Court explained that a “relationship in the nature of marriage” is akin to a common law marriage and laid down essential requirements, including that the couple must hold themselves out to society as akin to spouses, must be of legal age, and must be otherwise qualified to enter into a legal marriage, which includes being unmarried. The Court further held that merely spending weekends together or maintaining an adulterous association would not amount to a domestic relationship.
6. The principle was reaffirmed and elaborated in *Indra Sarma v. V.K.V. Sarma* [(2013) 15 SCC 755], wherein the Court held that certain conditions must be satisfied for a relationship to qualify as one in the nature of marriage, namely holding out to society as spouses, being of legal age, otherwise qualified to marry, and voluntary cohabitation for a

significant period. The Court categorically observed that if a woman enters into a relationship with a man knowing that he is already married, such a relationship cannot be termed as one in the nature of marriage, but only as an adulterous association. It was further held that Parliament never intended to protect such relationships, which are contrary to law, and that a relationship with a married man with knowledge of his subsisting marriage would not fall within the ambit of the expression “relationship in the nature of marriage.”

7. Applying the above ratio to the present case, the admitted facts show that the petitioner was aware of the respondent’s subsisting marriage and child. Even if there was intimacy between the parties, such a relationship does not satisfy the legal requirements laid down by the Supreme Court and cannot be recognised as a domestic relationship under Section 2(f) of the Act. The petitioner therefore does not qualify as an “aggrieved person” as defined in Section 2(a) of the Act.
8. **Point No.2** : In these circumstances, the petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is not maintainable and is accordingly dismissed.

(Pronounced by me, in open court, on this the 02nd September 2025.)

Sd/-
**Judicial First Class Magistrate– IV,
 Thiruvananthapuram.**

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 Thiruvananthapuram.**