

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE- II,MAVELIKKARA****Present: Anandhu.J.B, Judicial First Class Magistrate.****Saturday, 12<sup>th</sup> March 2026****M.C. No. 81/2024**

Petitioners : 1. Vineetha, aged 40/24, D/o Viswanathan Nair  
Vineetha Bhavanam, Vettiayar Village,  
Thannikunnu P.O, Mavelikara(Now residing at  
Valuthundil House, Komalloor P.O,  
Chunakkara.)  
2. Krishnapriya,aged 14/24,  
D/o Vineetha(minor) ..do..  
3. Sivapriya, aged 12/24,D/o Vineetha(minor)  
..do..

(By Adv. Greeshma V.M)

Respondent : Madhu.T,aged 49/24,S/o Thamban, Puthan  
Kuttiyil, Palamel, Nooranad Village,  
Padanilam P.O, Alappuzha.

Section of law : U/s 12 of the Protection of Women from  
Domestic Violence Act, 2005.

The petition, having heard on 12.03.2026 the court on the same day passed the following:

**ORDER**

1. Petition filed by the aggrieved person under section 12 of the Protection of Women from Domestic Violence Act, 2005. (hereinafter referred to as 'the Act').

2. **The petition averments are as follows:** The 1<sup>st</sup> petitioner and the respondent are husband and wife, and the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are their children. Their marriage was solemnized on 21.01.2007 in accordance with the customary

rites and ceremonies. The respondent frequently consumed alcohol and, under the influence of alcohol, caused disturbances in her peaceful life and subjected her to mental and physical cruelty. At the time of marriage, the parents of the 1<sup>st</sup> petitioner had given 35 sovereigns of gold ornaments to her, 3 sovereigns of gold chain, and 1 sovereign of gold ring to the respondent, and 1 sovereign of gold bangle to the mother of the respondent. Three days after the marriage, the mother of the petitioner passed away. During the funeral rites, the respondent appeared in a drunken condition and created disturbances. When the petitioner questioned his behavior, the respondent slapped her, which caused severe mental agony.

3. Subsequently, the respondent, along with his mother and sister, demanded the gold ornaments belonging to the petitioner. When she refused their demand, the respondent again came home in a drunken state and assaulted her. Thereafter, the respondent returned abroad but did not permit the petitioner to visit her parental home. When the respondent returned from abroad, he again demanded the gold ornaments of the petitioner. Out of fear, she handed over the ornaments to him. The respondent later disposed of the gold ornaments for his drinking habits. Thereafter, the petitioner conceived and, even during her pregnancy, the respondent assaulted her. On 12.02.2010, she gave birth to a baby girl named Krishnapriya. The family members of the respondent did not take proper care of either the petitioner or the child. Due to the continued harassment and difficulties faced in the respondent's house, the petitioner informed her parental family, and

they took the petitioner and the child to her parental home. However, the respondent failed to provide any maintenance to the petitioners. Later, the 1<sup>st</sup> petitioner and the respondent mutually decided to live separately near the shared household. For constructing a house, the respondent sold all the gold ornaments of the petitioner.

4. Further, the respondent pledged the property belonging to the mother of the petitioner and obtained a loan of Rs.3,00,000/-, agreeing that he would repay the said amount. Subsequently, the petitioner conceived again and gave birth to the 3<sup>rd</sup> petitioner. After the construction of the house was completed, the petitioners and the respondent shifted to the newly constructed house. Thereafter, the respondent again went abroad for work. During this period, the petitioner came to know that several persons frequently visited the shared household and that illegal drug transactions were taking place there. When she informed the respondent about the same, he ignored her concerns. When the petitioner reported these matters to her parental family, the sister of the respondent used obscene and defamatory words against her and created quarrels between the petitioner and the respondent. The sister and relatives of the respondent assaulted the petitioners, as a result of which they sustained injuries and had to undergo medical treatment. A complaint regarding the said incident was lodged before the Nooranad Police Station and before the Child Rights Commission. Due

to the said animosity, on 20.10.2017, the petitioners were again attacked, and the 1<sup>st</sup> petitioner sustained a fracture to her hand.

5. Thereafter, the father of the 1<sup>st</sup> petitioner took the petitioners to their parental house for safety. Subsequently, the respondent continued to threaten the petitioners by uttering obscene words through mobile phone calls. Despite these difficulties, the 1<sup>st</sup> petitioner worked hard for the welfare of her children. In the year 2021, she started a loan consultancy business in the name "Lakshya." The loan which had been taken for the construction of their house was repaid by borrowing money from other sources. Thereafter, the petitioners shifted from the parental house to a rented house, where they were living peacefully. However, on 28.09.2024, the respondent called through mobile phone and used obscene language against the 2<sup>nd</sup> petitioner and threatened her. Again, on 02.10.2024, the respondent called the 1<sup>st</sup> petitioner and threatened to kill her. Later, the respondent came to the rented house where the petitioners were residing and again threatened to kill them. Petitioner seeks for a protection order against the respondent, from committing any acts of domestic violence and from causing any disturbances in her work place. Petitioners further seek to restrain the respondent from causing any obstruction to the education of 2<sup>nd</sup> and 3<sup>rd</sup> petitioners. Petitioners also seek to restrain the respondents from committing anything detrimental to the peaceful living of the petitioners in 'Valuthundil House, Komallur P.O, Chunakkara. Hence this petition.

6. Though the respondent was served with notice, he did not file any objection and hence the case was proceeded ex parte.

7. The petitioner was examined as PW1 and exhibits P1 and P2 were marked.

8. Heard the learned counsel for the petitioner.

9. **Following points arise for consideration:**

1. *Whether the petitioners are entitled for protection order as claimed for?*
2. *Whether the petitioners are entitled for residence order as prayed for?*
3. *Order as to reliefs*

7. **Points 1 to 3:** Since all these points are connected, they are dealt together.

The applicant is the wife of the respondent, and the 2<sup>nd</sup> and third petitioners are their children. The case of the petitioners is that after the marriage between the 1<sup>st</sup> petitioner and the respondent, the 1<sup>st</sup> petitioner was subjected to domestic violence, both physically and mentally. The 1<sup>st</sup> petitioner has elaborately pleaded the instances of domestic violence faced by her. Petitioners seek for a protection order against the same.

8. To prove the allegations levelled by the petitioner, the petitioners rely on the evidence adduced by PW1. The 1<sup>st</sup> petitioner was examined as PW1. In the affidavit in lieu of the examination in chief, she has reiterated the petition averments. The evidence adduced by the petitioner remains un rebutted. The

marriage between the 1<sup>st</sup> petitioner with the respondent is not disputed. Hence, domestic relationship is proved. It is also undisputed that they have all lived together in a shared household. Therefore, it is evident that a domestic relationship exists between the applicant and the respondents.

9. For granting relief under PWDV Act, the applicant needs to produce material that convinces the court that there is reasonable likelihood of ongoing harm or danger, justifying the need for immediate protection. The affidavit filed by the applicant states various instances of domestic violence suffered by her. The applicant has described the occasion, and circumstances when she was allegedly abused by the respondents. The applicant alleges that the respondent is a drunkard and harassed her several times. The evidence adduced by the petitioner remains un rebutted. The respondent has done nothing to discredit the evidence tendered by the applicant regarding the allegation of domestic violence. At present, there is nothing before this court to dismiss her version, and it can be held that the respondents subject the petitioner to domestic violence. As this Court is exercising jurisdiction under a benevolent statute designed to address the laments of womenfolk, due weightage shall be given to such concerns voiced by the aggrieved. In light of the circumstances, a protection order must be issued to the petitioners to safeguard them from further acts of domestic violence. Hence, much discussion is not warranted to conclude that the petitioners are entitled for the relief sought by them.

10. **Point No. 7: In the result the petition is allowed in part as follow:-**

1. *The Respondent is hereby restrained from committing any acts of domestic violences, either physically or mentally, towards the petitioners.*
2. *Respondent is restrained from causing any obstruction to the 1<sup>st</sup> petitioner in her employment in her Loan consultancy firm or any other such places.*
3. *Respondent is further restrained from committing detrimental to the education of 2<sup>nd</sup> and 3<sup>rd</sup> petitioners.*
4. *Respondent is also restrained from causing any disturbance to the peaceful living of the petitioners in house named 'Valuthundil House, Komallur P.O, Chunakkara.*

Issue a copy of this order free of cost to the parties to the application and SHO, concerned.

(Dictated to the confidential assistant, transcribed and typed by her, corrected and pronounced by me on the 12<sup>th</sup> day of March 2026.)

Judicial First Class Magistrate- II,  
Mavelikkara

**Appendix**

**Witness examined for aggrieved person:-**

PW1	Vineetha	Complainant
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**Exhibit filed for aggrieved person:-**

1.	Ext.P1/PW1	Marriage Certificate
2.	Ext.P2/PW1	Birth Certificate

**Witnesses Examined for Respondent:-Nil**

**Exhibits filed for respondent:- Nil**

Judicial First Class Magistrate II,  
Mavelikkara.