

IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-I, PERUMBAVOOR

Present: Sri.Anish Babu M.B., Judicial Magistrate of First Class-I

Monday, the 1st day of December, 2025/ 10th Agrahayana 1947

CMP Nos, 745/2024, 746/2024, 747/2024, 2263/2024, 2264/2024, 2517/2024 & 4025/2025 IN MC No. 41 OF 2023

Petitioners/Petitioners :1. Josphin, aged 39, W/o Dhanesh, Chiramolath House, West Vengola Kara, Arackappady Village.
2. Shan Dhanesh, aged 9, represented by mother, - do -
(By Advs. Shibu Varghese & Bincy P Paul)

Respondents/Respondents: 1. Dhanesh, aged 39, S/o Thambi, Chiramolath House, West Vengola Kara, Arackappady Village.
2. Ammini Thambi, aged 67, W/o Thambi, - do -
3. Nisha Sajeevan, aged 43, D/o Thambi, - do -
(By Adv. Simi C. S.)

These CMPs came up today for a hearing, the court passed the following:

COMMON ORDER

CMP Nos. 745/2024 & 2264/2024

These petitions were moved by the petitioners in the MC with a prayer to prosecute the respondents in the MC for violating the interim protection order passed in favour of the petitioners.

CMP Nos. 747/2024 & 2517/2024

CMP No. 747/2024 was moved by the petitioners in the MC with a

prayer to remove the 1st respondent in the MC from the shared household or direct the 1st respondent to provide an alternate accommodation to the petitioners. **CMP No. 2517/2024** was moved by the petitioners in the MC with a prayer to direct the 1st respondent in the MC to pay Rs. 30,000/- as an interim treatment expense for the treatment of the 1st petitioner.

CMP No. 746/2024

This petition was moved by the petitioners in the MC with a prayer to direct the 1st respondent in the MC to produce the unedited CCTV visual recorded on 26.01.2024 and 08.02.2024 installed in the shared household.

CMP No. 2263/2024

This petition was moved by the petitioners in the MC with a prayer to direct the 1st respondent in the MC to provide proper treatment to the 2nd petitioner/child for his health ailments as prescribed by the doctor.

CMP No. 4025/2025

This petition was moved by the petitioners in the MC with a prayer to direct the 1st respondent in the MC to pay Rs. 1,32,870/- as arrears of interim maintenance.

2. The 1st respondent is the husband of the 1st petitioner and the father of the 2nd petitioner. The 2nd respondent is the mother-in-law of the 1st petitioner, and the 3rd respondent is the sister-in-law of the 1st petitioner. The above MC is filed under Section 12 of the Protection of Women from Domestic Violence Act 2005 (hereinafter referred to as 'the DV Act'). This court was

pleased to grant an interim protection order restraining the respondent from committing any form of domestic violence. However, according to the petitioners, even after the protection order was passed by the court, the respondents are harassing and torturing the first petitioner in all aspects. According to the 1st petitioner, she has no means to maintain herself and her child. Hence, the petitioner filed CMP No. 2109/2023 seeking interim maintenance for the petitioners, and the court was pleased to grant Rs. 3000/- to the 1st petitioner and Rs. 2000/- to the 2nd petitioner, initially. Thereafter, this court vide common order dated 13.11.2024 in CMP Nos. 2109/23 & 2265/2024 have been ordered to pay Rs. 7000/- to the 1st petitioner and Rs. 3000/- to the 2nd petitioner from the date of the petition and directed to pay the arrears within a month from the date of the order.

3. According to the first petitioner, the 1st respondent is purposefully not paying the amount regularly and willfully disobeyed the common order dated 13.11.2024 in CMP Nos. 2109/23 & 2265/2024. According to the petitioner, the respondent is liable to be prosecuted for contempt of court proceedings and punished in addition to the striking off his defence for the willful disobedience of the common order dated 13.11.2024 in CMP Nos. 2109/23 & 2265/2024, and also the direction of the Hon'ble High Court of Kerala in OP (Crl.) No. 56/2025 dated 25.10.2025

4. The 1st respondent filed an affidavit in CMP No. 4025/2025 in compliance with the direction of this court, stating that Crl.Appl. No. 7/2025 is

pending consideration of the Hon'ble Additional District & Sessions Court, Muvattupuzha, and further stated that he had already paid Rs. 2,89,880/- to the 1st petitioner on different occasions. As the same amounts to more than what was granted by this court, he is not liable to pay any further amount towards the maintenance. The respondents in the MC have also filed their objections in the prosecution petitions, stating that they have not violated the interim protection order passed by this court. The 1st respondent has not opted to file any objection to CMP No. 746/2024. In CMP Nos. 2517/2024 and 2263/2024, the respondent has taken a stand that, as the child was born prematurely, he was suffering from complicated health issues, and the 1st respondent is taking care of such health issues and further asserted that he got advice that the surgery has to be conducted after the completion of 14 years. It is also stated in his objection to the demand for the treatment of the 1st petitioner that no such treatment details have been furnished by the 1st petitioner to substantiate her claim.

5. Heard the learned counsel for the petitioners as well as the learned counsel for the respondents.

6. The points that arise for determination are: -

1. Whether the 1st respondent is liable to pay Rs. 1,32,870/- as claimed in CMP No. 4025/2025, and also, is there any ground to strike off the defence of the 1st respondent due to non-payment of the ordered interim maintenance for the second time?

2. Whether the applications moved by the petitioners be allowed?
3. If so, on what terms?

7. **Point No. 1:** At the outset, the learned counsel for the petitioners submitted that the first respondent has deliberately defaulted on the ordered interim maintenance even after the Hon'ble High Court has granted permission to realise the same, specifically vide judgment in OP (Crl.) No. 56/2025 dated 25.10.2025. The question to be decided is whether this court will be justified in invoking its extraordinary power to strike off the defence on non-payment of the interim maintenance, again. The learned counsel for the respondents vehemently submitted that the 1st respondent has already preferred an appeal, Crl.Appl. No. 7/2025, before the Hon'ble Additional District & Sessions Court, Muvattupuzha, and further stated that the 1st respondent had already paid Rs. 2,89,880/- to the 1st petitioner on different occasions. As the same amounts to more than what was granted by this court, he is not liable to pay any further amount towards the maintenance.

8. To maintain an application under Section 12 of the DV Act, the foremost thing to be established is that the respondents committed domestic violence within the meaning of Section 3 of the DV Act against the aggrieved person. The petitioners herein have approached this court for various reliefs under the provisions of the DV Act in the year 2023. It is to be noted here that after a series of conciliation attempts on the part of the court, mediators and

counselling, this court realised that no effective purpose would be served in engaging in such futile and prolonged unending processes. Eventually, this court vide common order dated 13.11.2024 in CMP Nos. 2109/23 & 2265/24 have directed the first respondent to provide Rs. 7,000/- to the first petitioner and Rs. 3,000/- to the second petitioner, totalling Rs. 10,000/- towards interim monthly maintenance. As the 1st respondent has failed to provide the ordered interim maintenance, the petitioners in MC had been constrained to move CMP No. 4727/2024 with a prayer to strike off the defence of the 1st respondent. This court vide detailed order dated 14.01.2025 has held that an amount of Rs. 72,870/- had been defaulted by the 1st respondent, deliberately and eventually, the defence of the 1st respondent has been struck off. Challenging the said order, the 1st respondent had preferred OP (Crl.) No. 56/2025 before the Hon'ble High Court of Kerala, and the Hon'ble High Court of Kerala had stayed the further proceedings and also directed the 1st respondent to pay Rs. 50,000/- to the 1st petitioner. The Hon'ble High Court had also directed to pay another Rs. 50,000/- to the 1st petitioner while extending the stay order, and finally, the Hon'ble High Court has disposed of the matter vide judgment dated 25.10.2025, noticing the fact that the 1st respondent had paid more than the amount quantified in the impugned order. The Hon'ble High Court has also permitted the 1st petitioner to approach the Magistrate in case any further amount is due. In the light of the direction of the Hon'ble High Court of Kerala, the petitioners in MC have moved CMP No. 4025/2025, claiming Rs. 1,32,870/-

as arrears towards the interim maintenance.

9. It is to be noted here that on an earlier occasion, also the defence of the 1st respondent was struck off vide detailed order in CMP No. 4727/2024. In CMP 4727/2024 also the 1st respondent had taken the contention that he had paid the school fees, medical bills, and also purchased and gave provisions as required by the petitioner. It was also stated that the first petitioner is not satisfied with any financial support on account of her extravagant lifestyle. This court, after considering the rival contentions of both parties, had held that a total amount of Rs. 72,870/- was due from the 1st respondent towards interim maintenance. The first respondent strenuously contended that, as he is paying the school fees of the second respondent (child), he had substantially complied with the interim order of maintenance awarded by this court. This court had already held in the order in CMP No. 47272024 that the receipts showing the payment of school fees would not fill the gut of the petitioners and also could not meet their other basic needs, and eventually, the defence of the first respondent was struck off. Though the first respondent had challenged the same before the Hon'ble High Court vide OP (Crl.) 56/2025, the Hon'ble High Court had directed the first respondent to pay Rs. 50,000/- on two occasions (altogether paid Rs. one lakh) as a condition precedent to stay the proceedings in this court. Finally, **the Hon'ble High Court disposed of the OP (Crl.) 56/2025 on 25.10.2025, observing as follows;**

“According to the learned counsel for the respondents, now a total sum of **Rs. 1,32,870** is due from the petitioner being the interim maintenance which became due subsequent to the OP (Crl). Since the amount due as per the Ext. P7 was only Rs. 72,870/-and the petitioner has paid more than the amount held to be due as Ext. P, I hold that this OP (crl) can be disposed of, permitting the respondents to move the learned Magistrate in case any further amount is due to her.”

The Hon’ble High Court, in the light of the above observation, the impugned Ext. P7 order to the extent it struck off the defence for non-payment of Rs. 72,870/- covered by Ext. P7 has been set aside. Following the Hon’ble High Court direction in OP (Crl.) 56/2025, the petitioners in MC have filed CMP 4025/2025, claiming to get Rs. 1,32,870/-. I am reproducing hereunder the affidavit filed by the first respondent in response to the present claim of the petitioners.

“മേൽ നമ്പർ ഹർജിയിൽ 26-08-2023 മുതൽ നാളിതുവരെ എതിർകക്ഷി 2,89,880/- രൂപ ഒന്നാം ഹർജിക്കാരിക്ക് പല തവണകളായി നൽകിയിട്ടുള്ളതാണ്. ടി ഹർജികളിന്മേൽ ഉള്ള പ്രകാരം ഞാൻ എതിർകക്ഷിക്ക് കോടതി അനുവദിച്ചതിലും അധികം തുക നൽകിയിട്ടുള്ളതാണ്. ആയതിനാൽ നാളിതു വരെ ഹർജിക്കാരിക്ക് മെയിൻറ്നൻസ് ഇനത്തിൽ അധികതുകയല്ലാതെ യാതൊരു തുകയും കടിശിവ ഇല്ല എന്ന വിവരം അറിയിച്ചു കൊള്ളുന്നു.”

It's so hard to digest how the first respondent can claim that he had already paid Rs. 2,89,880/- towards maintenance to the first petitioner. The

common order in CMP Nos. 109/23 & 2265/24 were passed only on 13.11.2024, and the date of effect of the payment was fixed from the date of the petition. The date of the Section 23 petition was 29.07.2023. Being so, the first respondent ought to have paid at the most only Rs. 2,80,000/- towards the interim maintenance (altogether Rs. 10,000/- per month for 28 months). This court failed to understand how the first respondent had paid Rs. 9,880/- more as contended. There is no complexity in calculating the arrears of the maintenance to be paid by the first respondent at all. This court had already held that an amount of Rs. 72,870/- was due vide order in CMP No. 4727/2024, dated 14.01.2025, and that quantification has been virtually approved by the Hon'ble High Court in OP (Crl.) 56/2025. The first respondent has already paid Rs. One lakh in compliance with the directions of the Hon'ble High Court. The first respondent has also paid another Rs. 20,000/- before this court on 26.11.2025. So, the first respondent has paid altogether Rs. 1,20,000/- after the pronouncement of the order dated 14.01.2025 in CMP No. 4727/2024. As on 14.01.2025, the liability of the respondent was quantified as Rs. 72,870/- and after adjusting the payment of Rs. 1,20,000/-, the first respondent paid **Rs. 47,130/-** extra as on 14.01.2025. From 14.01.2025 to 01.12.2025, over 10 months of maintenance amounts have been evidently due from the first respondent. So, the first respondent's liability for the remaining 10 months (starting from 14.01.2025) will be Rs. 1,00,000/- (Rs. 10,000/- x 10 months) and after deducting the excess payment of Rs. 47,130/- as on 14.01.2025, an

amount of **Rs. 52,870/-** is still due from the first respondent. Hence, the adamant stand of the first respondent that he is not liable to pay a single penny towards interim maintenance as on 01.12.2025 is unsustainable.

10. A conjoint evaluation of the averments in the affidavit filed by the petitioners in the MC and the videographs of various incidents that happened before and after the order of the ad-interim protection order itself is sufficient to conclude that the respondents have committed domestic violence against her. During the course of proceedings, this court has occasioned to consider various serious complaints on the part of the first petitioner regarding the various instances of domestic violence on the part of respondents 1 & 2 and has realised the pathetic situation of the first petitioner's trauma while residing in the matrimonial home. From the averments made in the affidavit filed by the petitioners in MC and also from the respective Statements of Assets & Liabilities filed by the contesting parties, it is clear that the 1st respondent in MC herein is an able-bodied person and is capable of earning sufficient income. The discussion concludes that none of the objections raised by the first respondent are valid and sustainable grounds to strike off the defence of the first respondent. It is also affirmed by the petitioner that the 1st respondent is the owner of a JCB. The **Hon'ble Apex Court of India in Anju Garg v. Deepak Kumar Garg, reported as 2022 ICO 2133: 2022 (7) KHC SN 10**, has held that the husband, being an able-bodied person, is obliged to earn by legitimate

means and maintain his wife and the minor child. When the husband/father has the ability to earn a better livelihood, he has the liability to look after the wife/children on par with his decency. It is well settled that maintenance laws have been enacted as a measure of social justice to provide recourse to dependent wives and children for their financial support, so as to prevent them from falling into destitution and vagrancy. It is well settled that the court can strike off the defence of the spouse who violates the interim order of maintenance passed by the said court as a last resort. Where the spouse who is to pay maintenance fails to discharge the liability, the other spouse cannot be forced to adopt time-consuming execution proceedings to realise the amount, and the court cannot be a mute spectator watching flagrant disobedience of the interim orders passed by it, showing its helplessness in its instant implementation. **The Hon'ble Apex Court of India in Rajnesh Vs. Neha, reported as AIR 2021 SC 569: (2021) 2 SCC 324**, has held that striking off the defence of the respondent is an order which ought to be passed in the last resort, if the courts find default to be willful and contumacious, particularly to a dependent, unemployed wife, and minor children. It was also held that the contempt proceedings for willful disobedience can be initiated before the appropriate court.

11. In the case at hand, the petitioners have evidently been running from pillar to post and have been compelled to suffer a lot to get interim maintenance from their husband/father. The petitioners are being dragged to

courts after courts for getting their eligible maintenance amount. In a way, the petitioners were being pressurised by the 1st respondent to find more money to engage counsel in other courts too. In view of the discussion made hereinabove, this court is of the considered opinion that it is a fit case to strike off the defence once again, as the first respondent is striving to impair the court from proceeding further and also to defeat the very objective of the DV Act by not paying the meagre interim maintenance amount, purposely. It is pertinent to note here that the respondent has not made a case that the 1st petitioner is earning something for her livelihood. In the case at hand, a lonely, stranded woman and her little child have been struggling to get maintenance from her husband/father since 2023. It is really a heart-wrenching situation that a lady is undergoing a pathetic lifestyle, even though her able-bodied husband and mother-in-law are leading their normal life without considering the plight of these stranded human beings. So, as rightly pointed out by the learned counsel for the petitioners in MC, the attempt of the first respondent in MC is only to deny the interim maintenance and also to incommode the petitioners economically, which itself amounts to harassment. Moreover, it is discernible from the impugned common order that this court also passed the same after considering the fact that the 1st respondent is paying the school fees (though irregularly) and hence no separate amount was awarded for the school fees. This court already held in the foregoing paragraphs of this order that the receipts showing the payment of school fees would not fill the gut of the petitioners and

also could not meet their other basic needs. The repeated evasive attempt to pay the ordered interim maintenance regularly, and also his adamancy, definitely show the contumacious attitude of the first respondent. This court already granted sufficient time to comply with the interim maintenance order. It is also not disputed that the first petitioner has also undergone surgery and incurred a huge amount for her treatment. It is to be noted here that the non-payment of the ordered interim maintenance even after getting an approval from the Hon'ble High Court also shows the evasive stand of the respondent to obey the due court processes. Hence, the defence of the 1st respondent is struck off once again, accordingly. Point No.1 is specifically answered accordingly.

12. **Point No. 2:** The petitions hereunder have been pending consideration of this court for quite a time, as the parties expressed their intention to settle the matters amicably and also took time to explore the possibilities of reunion, following the proposed counselling. But all those attempts ended in vain as the 1st respondent's intention was only to protract the matter one way or another. The present case is one of the classic examples of domestic economic violence, too, in which a lonely, stranded wife is squeezed financially by her husband. The whole attempt of the 1st respondent/husband is to incommode his wife to such an extremity in order to make her life miserable.

13. **CMP Nos. 745/2024 & 2264/2024**

These petitions were moved by the petitioners in the MC with a prayer to prosecute the respondents in the MC for violating the interim

protection order passed in favour of the petitioners. To maintain a petition for prosecuting the wrongdoers under Section 31 of the DV Act, the foremost thing to be established is that the respondents committed domestic violence within the meaning of Section 3 of the DV Act against the aggrieved person. Section 3 of the DV Act has defined the term domestic violence as follows;

Definition of domestic violence. —For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person. Explanation I.—For the purposes of this section,—

(i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) “verbal and emotional abuse” includes— (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested;

(iv) “economic abuse” includes—

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II. —For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

Section 3(a) of the DV Act specifically enjoined that whenever the aggrieved person faces such acts that harm or injure, or endanger the health, safety, life, limb or well-being, whether mental or physical, it amounts to domestic violence. It also includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse. I have perused the specific averments made in these petitions. The first petitioner specifically alleged that she was attempted to attack with a Billhook by the 1st respondent and also started to destroy the Almirah wherein her personal belongings were kept. It is also asserted that she was unable to sleep safely in the shared household. It is also alleged that the 1st respondent had thrown out all the clothes of both petitioners outside the shared household at the instigation of the 2nd respondent. In CMP

2264/2024 also it is also alleged that the respondent No.1 had disconnected the electric connection of the Washing Machine and also sold the cupboard used by the petitioners purposely. According to the learned counsel for the petitioners, the respondents committed an offence punishable under Section 31 of the DV Act. **The Hon'ble Supreme Court of India in Lalita Kumari v. Govt. of UP and Ors., reported as AIR 2014 SC 187: (2014) 2 SCC 1**, had categorically held that it is obligatory for the police to lodge a FIR on receiving information that discloses the commission of a cognizable offence. Very recently, the **Hon'ble Apex Court of India in Sadiq B. Hanchinmani v. State of Karnataka, reported as 2025 KHC OnLine 6909: 2025 SCC OnLine SC 2334**, has held that in the case of a complaint regarding the commission of cognizable offence, the power under S.156(3) CrPC can be invoked by the Magistrate before he takes cognizance of the offence under S.190(1)(a). A conjoint evaluation of the averments in the affidavit filed by the petitioners in the MC and the videographs of various incidents that happened before and after the order of the ad-interim protection order itself is sufficient to conclude that the respondents have committed domestic violence against her. During the course of proceedings, this court has occasioned to consider various serious complaints on the part of the first petitioner regarding the various instances of domestic violence on the part of respondents 1 & 2 and has realised the pathetic situation of the first petitioner's trauma while residing in the matrimonial home. Prima facie, a case is made out by the petitioners that the respondents/accused

have violated the interim order of protection as alleged. Once the cognizable offence is disclosed, it is the right of the concerned police to investigate such offences. It is well settled that with the assistance of an able and effective investigation, the criminal court can achieve its paramount goal to import substantial justice. Section 28 (1) of the DV Act provides that Section 31 of the DV Act shall be governed by the provisions of the Code of Criminal Procedure, 1973. Needless to say, the petitioners are entitled to get exclusion of time in compliance with Section 470 of the Code of Criminal Procedure, 1973. Hence, taking into account the latest decision of the **Hon'ble Apex Court of India in Sadiq's case (supra)** and invoking the powers conferred under Section 156 (3) of the Code of Criminal Procedure, 1973, the SHO, Perumbavoor Police Station, is directed to investigate the matter and file a report in this matter.

14. **CMP Nos. 747/2024 & 2517/2024**

CMP No. 747/2024 was moved by the petitioners in the MC with a prayer to remove the 1st respondent in the MC from the shared household or direct the 1st respondent to provide an alternate accommodation to the petitioners. **CMP No. 2517/2024** was moved by the petitioners in the MC with a prayer to direct the 1st respondent in the MC to pay Rs. 30,000/- as an interim treatment expense for the treatment of the 1st petitioner. When these petitions are taken for consideration today, the petitioner and her learned counsel submitted that they are not pressing these petitions right now and also made an endorsement of 'Not Pressed' on the docket of the respective petitions.

According to the petitioners, it is now totally unsafe to move away from the shared household, as their present neighbors are extending their helping hands to overcome the tragic situations. It is also submitted that as the first petitioner had already undergone a surgery on a region near her uterus, a separate petition will be moved to reimburse the medical expenses. Hence, both these petitions are dismissed as not pressed.

15. **CMP No. 746/2024**

This petition was moved by the petitioners in the MC with a prayer to direct the 1st respondent in the MC to produce the unedited CCTV visual recorded on 26.01.2024 and 08.02.2024 installed in the shared household. According to the first petitioner, the respondents are committing domestic violence against her even after granting an interim protection order. It is further alleged that the 2nd respondent had falsely lodged a complaint against her, stating that the first petitioner had manhandled her. It is further stated that the 1st respondent has installed CCTV in the shared household, and the CCTV visuals would reveal the real incidents that happened on 26.01.2024 and 08.02.2024. Hence, this court finds no illegality in directing the 1st respondent to produce the CCTV visuals in order to find out the truth. Hence, the petition is allowed, and the 1st respondent is directed to produce unedited visuals of CCTV Camera Recordings on 26.01.2024 and 08.02.2024 installed in the shared household without fail.

16. **CMP No. 2263/2024**

This petition was moved by the petitioners in the MC with a prayer to direct the 1st respondent in the MC to provide proper treatment to the 2nd petitioner/child for his health ailments as prescribed by the doctor. This petition is another classic example of how a husband/father could treat his own child inhumanely and could evade the essential treatment of a little child's future. This petition was moved by the petitioners as early as on 25.06.2024. According to the petitioners, the 1st respondent is not providing the requisite medical treatment to the child named Master. Shan Dhanesh. It is stated that the child cannot open his mouth properly, and the concerned Maxillofacial Surgeon in the Amrita Institute of Medical Sciences has already suggested surgery, and if no surgery is done, there is a chance of permanent disfiguration of the face of child. Now one year and five months have already over after moving this petition, and still no such surgery has been conducted as proposed by the Maxillofacial surgeon attached to the Amrita Institute of Medical Sciences. The learned counsel for the 1st respondent simply submitted that her client is taking necessary steps to provide medical assistance to the child, and the discussions are on the way with another hospital named Aster Medicity. This is quite strange to hear from a father claiming to be well-vigilant, about the well-being of his child, who is still having futile, unending discussions with other hospital authorities, knowing that a delay in the proposed surgery would cause disfiguration of his child permanently. The said act of the 1st respondent also amounts to mental torture to the aggrieved person/mother as defined under

Section 3 of the DV Act. As rightly pointed out by the learned counsel for the petitioners that this court has every power to regulate its own procedure for the disposal of any applications under the DV Act. Hence, the 1st respondent is directed to file an affidavit regarding the details of the required medical treatment provided for the child named Shan Dhanesh and if not provided, the reason for not providing the essential medical treatment to the child so far.

In the result, all the above-mentioned petitions are ordered accordingly.

Pronounced by me in Open Court this the 1st day of December, 2025.

sd/-

**Judicial Magistrate of First Class-I
Perumbavoor**