

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
KUNNAMANGALAM**

Present: Smt. Athira M
Judicial First Class Magistrate, Kunnamangalam
Dated this the 11th Day of May, 2026

MC 40/2020

Petitioner	1. Neethu Palatt, Aged 30 Years D/o Unnikrishnan Nair, Souparnika Palatt, Kuttikattur, Kozhikode 2. Thanmaya, D/o Ratheesh Kumar Aged 7 Years, Souparnika Palatt, Kuttikattur, Kozhikode (Medical College PS Limit) (Adv. V Prasad)
Respondents	Ratheesh Kumar, Aged 38 Years S/o Sivadasan Nair, Kunjirakkattummam, Vellalassery, Choolur, Poolakode, Kozhikode (Adv. N Premarajan)

This case having stood over to this day for consideration before me, the Court on 11-05-2026 delivered the following: -

ORDER

This is a petition filed under section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the PWDV Act) seeking an order of protection, residence, maintenance and return of the gold ornaments of the petitioner or an amount equivalent to the same, restraining the respondent from forcefully taking away her child and compensation for the loss sustained due to the acts of domestic violence of the respondent.

2. The averments in the petition in brief are as follows: The respondent is the husband of the petitioner. The marriage between the petitioner and the respondent got solemnized on 17.05.2009 as per the rites and rituals prevailing in the Hindu religion. Thereafter, they lived together as husband and wife at the house of the respondent. A daughter was born out of the said wedlock and she is aged 7 years and she is residing at present with the petitioner. The petitioner is residing with her parents. From the inception of their matrimonial life, the petitioner could not tolerate the behavior of the respondent. The respondent harassed the petitioner by compelling her for oral sex due to which she was not even able to have food properly. If the petitioner does not co-operate for the same, the respondent used to physically assault her. The respondent used to compel the petitioner to consume alcohol and concede to his needs failing which he would assault her. The respondent used to consume alcohol and consider the petitioner as a sexual toy to meet his sexual needs. The respondent used to pinch and poke with needle on the private parts of the petitioner. The petitioner also informed the same to her mother. The respondent used to physically and mentally harass the petitioner by demanding dowry even in the form of car also. Out of the gold ornaments gifted to the petitioner by her relatives, the respondent sold out 17 sovereigns of her gold ornaments. On the repeated demand from the respondent for a car, the petitioner's parents upon availing a bank loan purchased a Maruti Swift car bearing Reg No. KL 11 AL 9040 which the respondent sold. The respondent also had extra-marital affair with a lady named Divya. She had noticed the respondent continuously conversing over phone at odd hours. When she asked about the same, the respondent assaulted the petitioner by

slapping on her face and kicked on her stomach. Even when the petitioner was pregnant, the respondent had harassed her physically. Having not able to tolerate the harassment of the respondent, the petitioner is residing separately for about 1 year and 9 months. The respondent harassed the petitioner by restraining her from going for her job and frequenting to her workplace. Her daughter has stated to her that the respondent took her to the bar and had forced her to consume alcohol. He used to compel the school authorities to meet his daughter during class hours, for which the headmaster had called to the petitioner several times. The petitioner had even decided to commit suicide due to the torture of the respondent. The respondent had threatened the petitioner that he would pour kerosine and set fire on her and her daughter if she intends to file any complaints against the respondent or intend to end the marital life. When the petitioner used to leave the Court premises after the case, the respondent used to follow her and her daughter in his vehicle and had threatened her daughter by going to her school. Due to the acts of the respondent, the petitioner had filed ST 172/18 case against the respondent and she even had lost her job. The respondent had undergone psychiatric treatment in January 2013 and had been treated at the Shanthi de-addiction centre at Velliparamb and Wayanad Vincent Charity trust. The petitioner is afraid of the respondent as he is continuously harassing her mentally and physically. Hence this petition is filed seeking an order of protection restraining the respondent from causing any physical or mental harassment to the petitioner or her relatives as under section 18 (a)(b)(d), restraining the respondent from residing or entering the house of the petitioner where she is residing with her daughter as under section 19 (d), restraining the respondent from

forcefully taking away her daughter from her school, directing the respondent to pay an amount of Rs. 25,00,000/- for parting with her gold ornaments, directing the respondent to pay an amount of Rs. 10,50,000/- as compensation for the acts of domestic violence committed by the respondent and an amount of Rs. 20,000/- per month towards her maintenance.

3. The respondent entered appearance and filed counter. The averments in the counter in brief are as follows: Except the fact of marriage between the petitioner and the respondent and that there is a daughter born out of the said wedlock, all other averments in the petition are specifically denied by the respondent. The petition is not maintainable in fact as well as law. There is no marital relationship between the parties hence the petitioner is not entitled to any reliefs as prayed for in the petition. The petitioner was the former wife of the respondent and they got divorced as per the decree of the Hon'ble Family Court, Kozhikode and even before the expiry of the appeal period, she got married to her lover and is residing at Trivandrum. This petition is preferred only on experimental basis to cause deterrence to the job of the respondent as he is a teacher. The respondent had not committed any acts of domestic violence against the petitioner. The petitioner is not entitled to a residence order as prayed for in relief no 2 as she is remarried. The petitioner did not even permit the respondent to meet his daughter. In the case filed by the petitioner which is ST. No. 172/18, this Court has acquitted the respondent. The respondent had not misappropriated any gold ornaments of the petitioner but 5 sovereigns of nuptial chain, bangles and ring given by the respondent to the petitioner is still used by the petitioner and her present husband. As the petitioner is remarried, the

respondent is not duty bound to maintain the petitioner. The petitioner has abandoned the child at the house of the petitioner and is remarried and is residing with her husband so the respondent had taken steps to get the custody of his daughter and there is also a case pending regarding maintenance to his daughter before the Hon'ble Family Court as MC No. 41/2021. This petition is filed by the petitioner deliberately to harass the respondent. Therefore, the petitioner is not entitled to any reliefs as prayed for. Hence this petition is to be dismissed with costs.

4. From the side of the petitioner, PW1 and 2 was examined. Ext P 1 to P 3 were marked from the side of the petitioner. The respondent was examined as RW1. Ext. D1 was also marked.

5. Heard both sides and perused the records.

6. From the submissions of both the parties and on perusal of the records, the points that arise for determination are as follows:

- 1. Whether there is any domestic relationship between the petitioner and the respondent and whether any act of domestic violence is committed against the petitioner by the respondent entitling her to an order of protection as under sections 18 (a)(b)(d) of the Act?*
- 2. Is the petitioner entitled to an order of maintenance from the respondent as prayed for?*
- 3. Whether the petitioner is entitled to an order of residence ?*
- 4. Whether the petitioner is entitled to the relief of return of gold ornaments or its market value as sought for?*
- 5. Whether the petitioner is entitled to an order of compensation as prayed for?*

6. Any order as to cost?

7. The petitioner was examined as PW1. She filed an affidavit in lieu of examination in chief taking the same contentions in the petition. She additionally stated that she got re-married only after 6 months of the appeal period of the decree of the Hon'ble Family Court pertaining to their divorce and the said was an arranged marriage. She further admitted that as she is re-married, she is not insisting on relief no.2 as stated in the petition. The respondent had not taken any steps to meet the child or obtain the custody of the child or even look after any needs of her daughter and provide for maintenance from 2016 till 2023 but she submitted that as there is a matter pending before the Hon'ble Family Court, she does not insist on the maintenance for her daughter. On her cross-examination, she deposed that she is re-married and is at present residing at Trivandrum. She and her current husband were previously at Lakshadweep and he was in Navy. The respondent is her relative and a teacher. She denied that at the time of filing the petition, she was residing with her present husband. She denied that she is still wearing the nuptial chain, ring and bangle which was given at the time of her marriage. She had not produced any bills pertaining to her gold ornaments. She had not specifically stated the description and other details of her gold ornaments in her petition as well as the chief affidavit. She had also not stated separately as to which gold ornaments were parted by the respondent. She testified that it is also not stated as to who purchased the said gold ornaments and from where it was purchased. She stated that she cannot testify as to whether a particular ornament is gold or not by looking at the same. She had not produced the bill of the photograph. She deposed that she had not given a police complaint for having the

respondent sexually harassed her. She had also not been any hospital or had not undergone any treatment for the sexual harassment by the respondent. She is not aware as to whether the respondent was acquitted in the case ST No. 172/18. The marriage between her and the respondent was not a love marriage. She testified that it is a mistake if it is seen that she was harassed by the family members of the respondent. She is ready to produce the documents pertaining to the sale of the car alleged to be sold by the respondent. The said Car was not sold by her. She is not aware as to the date when the respondent threatened her and she had not given any complaints regarding the same. After 2020, she had not lodged any complaints against the respondent. She had not given any complaint to the police against the respondent for having threatened her when she appeared for the case. She had not produced any documents to show that the respondent is undergoing psychiatric treatment. She had not stated in her petition, the date of assault by the respondent and when he took away her gold ornaments. In her re-examination, she deposed that she got divorced from the respondent as per the decree in OP No. 1255/17 and she can identify the photos produced by her. P W1 was further recalled for further examination in chief and she identified Ext. P3.

8. PW 2 deposed that he owns an institution by name Shine Studio at Kuttikkattor since 1986. He identified the photos captured by him which is Ext. P1 series. He deposed that he is acquainted with PW1. He captured Ext. P1 series on 17.5.2009 from the house of PW1. He also identified the CD which is Ext. P2. He testified that he owns license to run the studio since 1986 which would be renewed every year. He stated that the license number during the period 2024-25 is 584. On his cross examination, he deposed that he had not produced

the bill of having taken Ext.P1 series. He had not produced any documents to show that he has taken those photos. He had not produced any documents to show that he is running such a studio. He issued the photos after editing the same. In his re-examination, he deposed that he is ready to produce his license but the diary is lost and he is not ready to produce the license of the year 2009.

9. The respondent was examined as RW1. He filed an affidavit in lieu of examination in chief reiterating the same contentions as that of his counter. He additionally deposed that there was a case ST No. 172/18 between him and the petitioner arraying him as an accused in which he was acquitted. He identified the certified copy of the same which is Ext. D1. On his cross examination, he deposed that he does not recollect the date when the petitioner obtained divorce from him. He had not gone through the said decree. He is not aware as to whether the number of that case is OP No. 1255/17. He is not aware as to whether he conceded to all the allegations put forth by the petitioner in OP No. 1255/17. He deposed that the petitioner behaved rudely to him though he had circumstance to maintain the petitioner and her child after 16.3.2016. But he does not recollect as to whether he had taken this contention at the Hon'ble Family Court. He admitted that he had not taken such a contention at all against the petitioner. He had not filed any petition for restitution of conjugal rights in the Family Court and nothing prevented him from filing such a petition. His contention is that the petitioner is not letting him to see his child but he admitted that after 2016, he had not filed any custody application before the Hon'ble Family Court. He added that as the child was a minor and to avoid that child from frequenting to the Court and cause inconvenience to her, he did not file any custody

application. He admitted that the same is not stated in his counter and affidavit. He had not so far lodged any complaints against the petitioner. He never consumes alcohol. He recollects that his statement was recorded by the commission before the Hon'ble Family Court on 11.2.2020 but he cannot recollect as to whether he had given statement that he used to consume alcohol occasionally. He stated that he did not consume alcohol after marrying the petitioner. He cannot remember if he had given statement before the Family Court that he consumed alcohol. He deposed that he could not recollect as to if he had in the counter filed before the Family Court state that he did not maintain the petitioner as she is employed. He had not used the vehicle bearing Reg. No. KL 11 A L 9040 and he is not aware as to whether the same is sold. He did not respond to the question that he deposed before the Family Court that he had sold the above - mentioned vehicle. He is not aware as to who is the RC of the above - mentioned vehicle. He does not recollect as to if he had given statement that one Sudharma Palat is the RC owner of the same. He testified that Sudharma Palat is the mother of the petitioner. He is not aware as to whether the mother of the petitioner purchased the above-mentioned vehicle upon availing a loan and he does not remember if he had admitted the same before the Hon'ble Family Court. He deposed that he does not remember if his contention is that his father repaid the entire loan of the said car and he does not remember as to whether he had given such a statement before the Family Court. He admitted that in his chief affidavit, it is written as to that the petitioner re-married before the elapse of the appeal period but he is not aware as to how much is the appeal period and he admitted that without knowing the same, he made such an allegation against the

petitioner. He deposed that he had not preferred an appeal against the decree of divorce before the Hon'ble High Court of Kerala. He then corrected that appeal was preferred but he is not aware as to the appeal number and he cannot state as to what was the previous or upcoming date of next hearing. He stated that his daughter is now studying at 7th standard and she is aged 13 years. He is not aware as to in which school she is studying and he had not legally taken steps to know about the same. He deposed that he is not aware as to whether the petitioner and his daughter is entitled to get maintenance till 14.2.2021. He testified that the marriage between them is not arranged and it was a love marriage and he is not aware of the age of the petitioner at the time of her marriage with him. He contends that they were in love for about 4 years. He is not aware if he had stated before the Family Court as love affair for about 7 years. He is aware that the petitioner did her studies at Lakshadweep. He admitted that the petitioner is his relative. He testified that he had not been to de-addiction center till date. He does not recollect as to whether he had given statement before the Family Court that he used to consume the tablet named Trinicalm forter Valparol and he is not aware as to whether the said tablet is consumed for mental illness. The petitioner had not lodged any complaints against his mother and sister. He added that the petitioner had scolded his mother and sister when they had been to the house. He admitted that the same is an important thing but the same is not stated in his counter or his chief affidavit and nothing prevented him stating the same in his counter or his chief affidavit. He also admitted that the same is stated for the first time in the Court. He does not recollect if it is challenged in the cross examination before the Family Court that he used to consume alcohol.

He stated that he had not subjected the petitioner for oral sex and he does not recollect if he had admitted the same before the Family Court. He denied that he compelled the petitioner to consume alcohol and that he used to harass and cause pain to the petitioner by pricking on her private parts with needle. He did not threaten to kill the petitioner and her child. He knows that the petitioner alleges that he has extra-marital affair and admitted that the name of the lady with whom she alleges the same is one Divya. He added that the same is out of misunderstanding and suspicion but he is not aware as to whether he had stated the same in his counter and the affidavit filed in the Family Court. He denied having resided alongwith the petitioner in Travancore Enclave at the place named Thevara at Ernakulam. He cannot recollect if he was working in a school at the said period. He denied that he is duty bound to maintain his wife and child from 16.3.2016 till 13.2.2021.

10. In his re-examination, he deposed that he stated that he is not aware of the details of his child as he is afraid that the petitioner would lodge many cases against him. He is aware that his child is studying in a school at Trivandrum and the petitioner changed her school without discussing with him. On his further cross-examination, he deposed that he did not take legal actions to enquire about his child as he is not interested to cause inconvenience to the child by bringing her to the Court. He did not provide anything towards the maintenance of his daughter as there was no final judgment from the Court upon the same and until then also he did not maintain his daughter on the fear that the petitioner would lodge case against him.

11. Point No: 1:- Having perused the records and gone through the contentions of both the parties, it is evident that the petitioner is the former wife of the respondent and there is also a daughter born out of the said wedlock. There is also no dispute in the marriage as well as the paternity of the said child. The learned counsel for the respondent argued that the petitioner is not entitled to any reliefs sought for in the petition as she is re-married and is residing with her present husband. Going by section 2 (f) of the PWDV Act, it is sufficient to constitute a domestic relationship if the parties had at any point of time lived together in the shared household. It is also settled by various decisions. Here admittedly, the petitioner had resided together with the respondent at his house as his wife and thus there is a domestic relationship between them as contemplated in section 2 (f) of the Act. The petitioner had sought for a relief restraining the respondent from committing any acts of domestic violence by the respondent and had substantiated in her petition and the chief affidavit the atrocities committed by the respondent against her. The petitioner had specifically stated that she was sexually harassed by the respondent and he even forced her to indulge in oral sex failing which he used to assault her physically. The other allegations averred against the respondent is that the respondent used to compel the petitioner to consume alcohol and used to treat the petitioner as a sexual toy to meet his sexual needs. The respondent used to further pinch and poke with needle on her private parts. The petitioner had even decided to commit suicide due to the torture of the respondent. The respondent also had extra-marital affair with a lady named Divya. She had noticed the respondent continuously conversing over phone at odd hours. When she asked about the same,

the respondent had assaulted by hitting on her face and kicked on her stomach. Even when the petitioner was pregnant, the respondent had harassed her physically. The respondent had threatened the petitioner that he would pour kerosine and set fire on her and her daughter if she intends to file any complaints against him or end the marital life. Though the entire allegations are denied by the respondent, the version put forth by the petitioner with respect to the mental cruelty meted out to her is not contradicted by the respondent either by adducing cogent evidence or establishing the contrary through cross examination of the petitioner. There is only a vague denial of the entire allegations in the petition with respect to the mental harassment meted out committed against the petitioner.

12. The learned counsel for the petitioner also relied on Ext. P3, which is the decree of divorce rendered by the Hon'ble Family Court, Kozhikode which clearly entails that the respondent had committed mental torture and harassment including forcing her for oral sex. Further, the said document is also relevant as per section 41 of the Indian Evidence Act, 1872 as the same would portray the character of the respondent. On a perusal of the same, it is very well ascertained that whatever is admitted by him before the Hon'ble Family Court is expressly denied in his testimony before this Court and the same is also an evasive denial. He has merely stated that he is not aware as to whether he conceded to all the allegations put forth by the petitioner in OP No. 1255/17. He had not so far lodged any complaints against the petitioner. He deposed that he had not preferred an appeal against the decree of divorce before the Hon'ble High Court of Kerala. He then corrected that appeal was preferred but he is not aware as to the appeal number and he cannot testify as to what was the previous or

upcoming date of next hearing. The same also shows that the testimony of the respondent is mutually contradictory and he is not a reliable witness. Though the petitioner alleged that she was also physically assaulted by the respondent, she admitted that she had not been treated or had not been to the hospital for the same and there are also no documents to substantiate the same. To corroborate the same, the learned counsel for the respondent had relied on the judgment in ST No. 172/18 in which the respondent was arrayed as an accused and was also acquitted by this Court. However, the fact of mental harassment remains unchallenged and stands proved.

13. The petitioner also contends that the respondent was taken to the de-addiction centre and had also taken psychiatric treatment. Though the same is denied by the respondent, he stated that he does not recollect as to whether he had given statement before the Family Court that he used to consume the tablet named Trinicalm forter Valparol and that the same is consumed for mental illness. The said contention of the petitioner is also not strongly rebutted by the respondent though there are no documents on record to substantiate that the respondent had undergone psychiatric treatment. The petitioner also averred that the respondent sold the car which was given to him by the parents of the petitioner upon availing a loan and the petitioner also in her cross-examination deposed that she is ready to produce the documents pertaining to the same, however, there are no such documents produced by the petitioner and the same is also expressly denied by the respondent, thus it cannot be safely held that the respondent had sold the said car for his needs. Moreover, the petitioner also had not specifically pleaded with respect to any monetary claim on the basis of the said car as alleged. Though the

petitioner stated that she has not previously lodged any complaints against the respondent and she has not sustained any injuries, however the aspect of mental cruelty stands established as no evidence is adduced by the respondent to establish the contrary. Hence, it tantamount to admission of the said facts. Therefore, it is evident that the petitioner is an aggrieved person within the ambit of section 2(a) of the PWDV Act. Hence the petitioner is entitled to an order of protection restraining the respondent or his men from committing any acts of domestic violence against the petitioner as envisaged under clauses (a), (b), (d), and (f) of section 18 of the PWDV Act. Hence point no.1 is answered accordingly in favour of the petitioner.

14. Point No. 2:- The petitioner has sought for an amount of Rs. 20,000/- per month towards her maintenance. The petitioner had earlier petition also sought for the maintenance of her child, however, in para 15 of her chief affidavit it is specifically stated that there is a case pending before the Hon'ble Family Court as MC No. 41/2021 pertaining to the maintenance of her child hence she is relinquishing the said relief. On perusal of the records as well as the testimony of RW1, the respondent, it is evident that he has not provided anything towards the maintenance of the petitioner and his child. The learned counsel for the respondent submitted that the petitioner is not entitled to any maintenance as she is re-married even before the elapse of the appeal period. The same is justified by the petitioner in her chief affidavit by stating that she got re-married after 6 months of the appeal period from the date of the divorce decree. The same is also not contradicted by the respondent in her cross-examination. The counsel for the respondent also submitted that the petitioner is employed and

she has concealed the same but nothing as to the same is elicited out in her cross-examination. Thus having regard to the settled principle that a wife is entitled to maintenance from her husband till the date of re-marriage, the petitioner is also so entitled for maintainance from the respondent. From the records, the date of re-marriage of the petitioner is ascertained that she got re-married on 14-02-21. However, the amount of maintenance sought for in the petition is exorbitant. The petitioner had also not stated specifically as to how much is the income of the respondent and the petitioner is also at present married. Having regard to the fact that the petitioner is entitled to be maintained by the respondent until her re-marriage and as there are nothing on record to show that he is affected by any sorts of disability, I am of the view that a nominal amount of maintenance can be awarded. Hence, the petitioner is entitled to a maintenance to the tune of Rs. 6000/- per month from the date of filing of the petition till 14-02-21, the date of her remarriage. Therefore, point no.2 is also answered accordingly in favor of the petitioner.

15. Point No. 3: - The petitioner had sought for an order of residence. However, the petitioner herself had admitted in her chief affidavit that she is re-married and she is not insisting on relief no.2 as stated in the petition. She had also stated that she is relinquishing the relief of the maintenance to her child and she had also sought for the relief of restraining the respondent from forcefully taking away her child but the respondent had admitted that he is not aware of the whereabouts of his child and had not taken any steps to meet his daughter or obtain her custody as he is not interested to cause inconvenience to the child by bringing to the court. It is also admitted by the parties that there is a matter pending before the Hon'ble Family

Court with respect to their child. Hence, I am of the view that there need not be an order to that effect. Further, it is a settled position that though a divorced wife continues to remain as an aggrieved person under the Act, she is not entitled to the benefit of the residence order after obtaining divorce and when she is not residing in the shared house hold. Hence in that regard, the petitioner is not entitled to a residence order by virtue of section 19 of the Act as prayed for. Hence point no.3 is answered against the petitioner.

16. Point. No. 4:- The petitioner has sought for an amount of Rs. Rs. 25,00,000/- for the amount equivalent to the gold ornaments alleged to have been misappropriated by the respondent. The petitioner had alleged that out of the gold ornaments gifted to the petitioner by her relatives, the respondent sold out 17 sovereigns of her gold ornaments. The respondent on the other hand had stated that he had not misappropriated any gold ornaments of the petitioner but 5 sovereigns of nuptial chain, bangles and ring given by the respondent to the petitioner is still used by the petitioner and her husband which is also denied by her. There is nothing on record to show that the respondent had given her the said ornaments. The petitioner also had admitted that she had not produced any bills pertaining to her gold ornaments, she had not specifically stated the description and other details of her gold ornaments in her petition as well as the chief affidavit. She had also not stated separately as to which gold ornaments were parted with by the respondent. She testified that it is also not stated as to who purchased the said gold ornaments and from where it was purchased. She stated that she cannot testify as to whether a particular ornament is gold or not by looking at Ext P1 series. PW2 was examined to show that he had

taken the photographs of the marriage between the petitioner and the respondent. On his cross examination, he deposed that he had not produced the bill of having taken Ext.P1 series. He had not produced any documents to show that he has taken those photos. There is no 65 B certificate to support Ext. P1 series or Ext. P2. In his re-examination also, he deposed that he is not ready to produce the license of the year 2009 and there is no reason stated for not producing the same also. The learned counsel for the petitioner relied on the decision in **Reshmi Radhakrishnan v. Vinod K.G, 2025 (3) KHC 405**, to show that even in the absence of the documentary evidence, it should not be a barrier to justice in particular reference to the gold ornaments. However, in the instant case, here the petitioner has not stated how much gold ornaments was she endowed with at the time of her marriage, instead, she barely stated that out of the gold ornaments given to her, 17 sovereigns were taken by the respondent, which are those gold ornaments misappropriated is not specifically stated, the description of the same is not stated, without which it cannot be effectively compared with the said photograph and no bills produced, without which it cannot also be ascertained if the ornaments seen in the photograph is owned by the petitioner, so there cannot be strict application of the above stated decision to the instant case. Moreover, Ext. P1 series and Ext.P2 cannot be considered to be an authentic document as the same is not backed by the certificate required under the law. Therefore, the relief sought by the petitioner with respect of the claim of the gold ornaments is not sustainable and the same cannot be allowed. Hence the point is answered against the petitioner.

17. Point No. 5:- The petitioner has sought for a compensatory relief to the tune of Rs. 10,50,000/-for the domestic violence committed by the respondent but the petitioner was not successful in establishing that the respondent has meted out physical harassment against her and there are also no medical records to substantiate the same. However, it has come out on record from the testimony of the petitioner that the respondent had tortured the petitioner mentally including compelling her for oral sex thus the petitioner was successful in establishing that it resulted in substantial injury to her by way of emotional distress and mental torture as a result of the act of the respondent. The same is also substantiated by Ext.P3. Hence the petitioner is an aggrieved person within the ambit of the Act. The petitioner has sought Rs. 10,50,000/- as compensation from the respondent which in the instant case is exorbitant. Though the fact of domestic violence is proved, the petitioner has neither suffered any grave injuries nor had undergone any treatment on account of the same. Hence, I am of the view that the relief can be granted to a limited extent. Thus, the petitioner is entitled to receive a compensation to the tune of Rs.50,000/- from the respondent by virtue of section 22 of the Act. Therefore, this point is answered accordingly infavour of the petitioner.

18. Point No.6:- Considering the rival contentions of the parties, there is no order as to cost. The parties shall suffer their respective cost.

In the result, the petition is allowed in part as follows:

1. The respondent or his men are restrained from committing any acts of domestic violence against the petitioner by virtue of section 18 (a), (b), (d), and (f) of the PWDV Act.

2. The respondent is directed to pay an amount of Rs. 6000/- per month towards the maintenance of the petitioner from the date of filing the petition till 14-02-2021 as under section 20(1)(d) of the PWDV Act.

3. The respondent is directed to pay an amount of Rs. 50,000/- to the petitioner towards the compensation for the acts of domestic violence by way of mental torture and emotional distress committed against the petitioner.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court, this the 11th Day of May 2026)

Judl. Magistrate of the First Class
Kunnamangalam

APPENDIX

Witnesses for Petitioner

PW1 : Neethu Palatt (CW1)
PW2 : C K Suresh Babu (Addl. Witness)

Exhibits for Petitioner :

P1 Series : Photographs proved through PW1 Neethu Palatt on 21-08-23
P2 : CD
P3 : Certified copy of judgment in OP 1255/17 proved through PW1 Neethu Palatt on 29-08-25

Witnesses for Defence :

RW1 : Ratheesh Kumar

Exhibits marked for Defence :

D1 Certified copy of order in ST 172/18 of JFCM Kunnamangalam proved through RW1 Ratheesh Kumar on 07-04-25

Judl. Magistrate of the First Class
Kunnamangalam

