

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE KOYILANDY

Present: Sri. Ajikrishnan S, Judicial First Class Magistrate
Tuesday, the 31st day of March 2026.

MC No. 37/2020

Petitioner :Jasna, aged 30 years, D/o Baburaj K,
Edakkandiyil House, Elettil (PO),
Koduvalli, Kozhikode.
[By Adv. C Lalkishore]

Respondents : 1. Dineesh P, aged 39 years,
S/o Babu, Perumbil, Keezhattamvalli House,
Saseendra Bank, Cherukulam road,
Kakkodi, Kozhikode.
2. Babu, aged 43 years,
Perumbil(H), LIC road, Ramanattukara.
[By Adv. M Shahier Singh &
Adv. P Rajeshkumar]

Order : MC is allowed in part.

ORDER

1. This is a petition filed under S. 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter 'the Act').

Case of the petitioner

2. The first respondent is the husband of the petitioner and the second respondent is the father of the first respondent. The marriage between the petitioner and the first respondent was solemnized on 15.12.2019 in accordance with Hindu rites and customs. After the marriage, the petitioner resided in the matrimonial home of the first respondent. The first respondent resides in a house situated adjacent

to the house of his friend, Shamil, and his wife, Jensitha. At the time of marriage, the petitioner was possessed of 42 sovereigns of gold ornaments. Soon after the marriage and before the petitioner entered the matrimonial home, Shamil gifted a ring to the petitioner. On the date of the marriage itself, the first respondent took the petitioner to the house of Shamil and insisted that they reside there on that day. The petitioner was informed by Shamil that the first respondent would continue to reside with him and his family even after the marriage. On the following day at about 04.00 a.m., the first respondent left for the house of Shamil and thereafter spent most of his time there, attending to his daily activities along with Shamil. The first respondent stated that he could not consider the petitioner as his wife. Within a few days of the marriage, the first respondent forcibly took her to the house of Shamil and made her lie down on a bed along with them. The first respondent failed to maintain privacy in the marital relationship, and it caused her mental agony. The petitioner was compelled to go to the house of Shamil at about 05.00 a.m. daily to prepare food and perform household work. The first respondent preferred the company of Shamil and his wife and avoided travelling with the petitioner. The clothes of the first respondent were washed and ironed by Shamil, and the petitioner was not permitted to do the same. When she questioned such conduct, she was ill-treated by the first respondent, Shamil, and his wife. Her gold ornaments were pledged in the Bank of Baroda, Ramanattukara Branch, by the first respondent and Shamil. The first respondent expelled the second respondent from the house. One day, when the first respondent and Shamil went to bathe together, the petitioner entered the bathroom with them, and then she was pushed away, and they hit her head against a wall. Due to such harassment, the petitioner even thought of committing suicide. The petitioner was required to seek the consent of Shamil for all her actions, and that the first respondent spent most of his time with him. When she opposed attempts by Shamil and his wife to convert her to their religion, she was assaulted by the first respondent and Shamil. One day, Shamil sexually assaulted the petitioner, and when this was brought to the notice of the first respondent, he expressed disinterest in maintaining any physical relationship with her. On 21.04.2020, the first respondent took the petitioner to

her parental home stating that she was not cooperating with Shamil. The first respondent is employed as an Assistant Medical Officer in Wayanad, earning approximately ₹1,00,000 per month, and also derives an income of about ₹50,000 from property. The petitioner requires about ₹25,000 per month for her expenses and seeks compensation and protection orders.

Case of the respondents

3. **The first respondent filed a counter statement**, denying the allegations of cruelty and domestic violence. The marriage and relationship were admitted. The first respondent denied all allegations regarding his alleged unnatural relationship with Shamil. It is stated that the petitioner showed reluctance to perform household work within a week of the marriage. The petitioner objected to his interaction with others and also disliked his friend Shamil and his family, who resided nearby. The petitioner was suspicious in nature, which led to disputes in the matrimonial life. The petitioner would raise suspicion whenever the first respondent did not answer his phone or returned home late. Though it was brought to the notice of the petitioner's mother, it was stated that the issues would be resolved. On account of the petitioner's insistence, she was taken to her parental home on 21.04.2020, and despite requests, she refused to return. He has filed a petition for restitution of conjugal rights before the Family Court, Kozhikode, which is pending now. The first respondent does not have the income alleged. The petitioner has not proved the alleged domestic violence. Hence, the petitioner is not entitled to any relief.
4. **The second respondent filed a separate counter statement**, denying the allegations against him. It is stated that he had not suppressed any material facts at the time of the marriage and that he became aware of the conduct of the first respondent only after the marriage. He has not committed any act of domestic violence against the petitioner.

Evidence in the case

5. On the side of the petitioner, PW1 was examined and Exts.P1 to P4 were marked. On the side of the first respondent, DW1 was examined and Exts. D1 to D4 were marked. No evidence was adduced by the second respondent.
6. Heard. Perused records.
7. **The points arise for consideration** are:
 - i. Whether the petitioner is entitled to get a protection order against the first respondent as prayed for?
 - ii. Whether the petitioner is entitled to get 15 lakhs rupees as compensation from the first respondent?
 - iii. Whether the petitioner is entitled to get Rs. 25,000/- per month as maintenance and Rs.1000/- per month as treatment expenses from the first respondent?
 - iv. Whether the petitioner is entitled to get any relief regarding the gold ornaments sought in the petition?
 - v. Whether the petitioner is entitled to get any relief against the second respondent?
 - vi. Reliefs and costs?

Arguments and Discussion

8. **Point No. (i):** The learned counsel for the petitioner submitted that the evidence of PW1 would prove that the first respondent committed domestic violence against the petitioner. In the counter filed by the second respondent, the cruelties alleged by the petitioner were admitted. No material has been produced by the first respondent to prove that he had taken any steps for restitution of conjugal rights. Since the alleged cruelties were taken place during Covid-19 lock-down

period, the petitioner could not lodge any complaint. The petition filed by the petitioner for return of her gold ornaments was allowed by the Hon'ble Family Court. Mere production of the photographs showing the petitioner and others is not sufficient to conclude that the petitioner was leading a happy life with the first respondent. Exts.P3 and P4 FIR and final report would prove that the petitioner was subjected to cruelty. The petitioner does not have any job or income. The first respondent is earning sufficient income to look after the petitioner. The petitioner is also entitled to enjoy the standard of life as enjoyed by the first respondent. Hence, she is entitled to get the maintenance claimed by her in the petition. She is also entitled to get compensation since she suffered domestic violence.

9. *Per contra*, learned counsel for the respondents submitted that the petitioner has not produced any bills or other documents to prove that she possessed gold ornaments. The petitioner appears happy in Exts. D1 to D4 photographs, which were taken after the marriage, and they would indicate that she was leading a happy life with the first respondent. The petitioner admitted that she was using a mobile phone while residing in the house of the first respondent. No complaint was filed by the petitioner against Shamil. The first respondent has filed a petition for restitution of conjugal rights against the petitioner. The petitioner has produced no medical records to substantiate her claims. The allegations raised by the petitioner are imaginary and stem from her suspicious nature. The petitioner has failed to prove that the first respondent subjected her to domestic violence. Hence, the petition is liable to be dismissed.
10. To prove the case, the petitioner was examined as PW1. She filed proof affidavit in terms of the contentions taken in the petition. On the side of the respondents, the first respondent was examined as DW1. He filed proof affidavit reiterating the contentions taken in the counter statement. The second respondent has not adduced any evidence. Exts.P1 to P4 documents were marked by the petitioner during the cross-examination of DW1. Exts.P1 and P2 are the photographs in connection with the marriage of PW1. Ext.P3 is the certified copy of the FIR in

Crime No. 667/2020 lodged by PW1 against the first respondent, Mr. Shamil and Ms. Jansitha. Ext.P4 is the certified copy of the final report in that case. Exts.D1 to D4 photographs were marked on the side of the first respondent during the cross-examination of PW1. These are the photographs taken after the marriage between the parties.

11. PW1 deposed that the first respondent subjected her to domestic violence. The first respondent spent his time with one Mr. Shamil after the marriage. He had his food and carried out all his daily activities with Mr. Shamil. The petitioner had to go to the house of Shamil at 5.00 a.m. on every day to prepare food. She was treated as a domestic worker by the first respondent and others. She was made to do all household work. The first respondent and Mr. Shamil used to bathe together. It caused severe mental harassment to her. They also made the petitioner to pledge her gold ornaments at the Bank of Baroda. The first respondent was not ready to have physical relationship with the petitioner. The first respondent assaulted her once when she entered the bathroom where the first respondent and Shamil were bathing. Due to these acts of cruelty, she thought of committing suicide. The first respondent was not ready to register the marriage with the petitioner. The petitioner was permitted to do everything by the first respondent only with the consent of Mr. Shamil. The family of the first respondent was against the relationship between the first respondent and Mr. Shamil. They forced the petitioner to convert to the Muslim religion and did not allow her to follow her rituals. When the petitioner opposed the same, the first respondent, Mr. Shamil and his wife physically ill-treated her. On 20.04.2020, Mr. Shamil grabbed the petitioner. She opposed the same and cried out. When she informed the first respondent about this, he told her that he is not interested in having any relationship with her. On 21.04.2020, the first respondent took her to her house since she was not ready to accede to the demands of Mr. Shamil. In the cross-examination of PW1, Exts. D1 to D4, photographs of the petitioner, Mr. Shamil, his wife, and the first respondent were marked. It was contended by the learned counsel for the first respondent that the petitioner appeared happy in those photographs, which would indicate that she was leading a satisfying life

with the first respondent. I am unable to agree with the contention of the learned counsel for the first respondent. These photographs were taken soon after the marriage of PW1. Merely because PW1 appears happy in those photographs, it cannot be inferred that there were no problems between the parties. The evidence of PW1 contains a detailed description of the harassment she was forced to undergo immediately after her marriage. It would not be prudent to draw conclusions based on four photographs wherein a party to the marriage appeared happy. PW1 specifically stated that she had faced mental and physical abuse from the first respondent since she was not ready to consent to the relationship between the first respondent and Mr. Shamil. The cross-examination of PW1 has not elicited anything to improbably the allegations made by her against the first respondent. The fact that the petitioner appointed or changed her lawyers at her discretion cannot be taken as evidence to show that the petitioner is a suspicious character. There is nothing in the cross-examination to suggest that the petitioner was constantly suspicious of the first respondent, and the allegations raised are purely imaginary in nature.

12. DW1 denied the allegations. In cross-examination, it was admitted by him that a case has been registered against him, Mr. Shamil and his wife for harassing the petitioner. The cross-examination would reveal that the first respondent and Mr. Shamil have a close relationship. Exts. P1 and P2 photographs would show that the wife of Mr. Shamil was present during the ceremonies relating to the marriage of the petitioner and the first respondent. Even though that, by itself, cannot be taken to conclude that the first respondent had an unusual relationship with Mr. Shamil and his wife, it is noteworthy that DW1 gave evasive answers regarding the presence of Mr. Shamil's wife during the occasions of the marriage ceremony. When it was suggested to DW1 that it was Shamil's wife who had helped tie the knot at the time of the marriage, he stated that he did not remember. He admitted that PW1 was suspicious of his relationship with Mr. Shamil and that it strained their relationship (para No.12 of the cross-examination of DW1). DW1 further stated that the petitioner was always suspicious of him. The learned counsel for the petitioner contended specifically that the first respondent

was sharing an unnatural relationship with Mr. Shamil, and it derailed the relationship between the petitioner and the first respondent. Even though nothing was elicited during the cross-examination of PW1 regarding the allegations raised by her, in the absence of any material to corroborate her version, this Court is not inclined to make any findings on the same. The evidence is sufficient to show that the relationship between the petitioner and the first respondent had strained beyond repair.

13. It is true that the petitioner has not examined any independent witnesses or produced any admissible medical evidence to substantiate her case. However, it is settled law that the sole testimony of the victim is sufficient to grant relief under the Act when the same inspires confidence in the court. The purpose of the Act is the protection of women. The petitioner has serious apprehension that the respondents might commit domestic violence against her. The evidence on record would show that the relationship between the parties has been severely damaged. The Hon'ble High Court of Kerala in *Baby Michael v. Shiny Michael, 2022 (2) KHC 644*, held that the sole testimony of an aggrieved person is sufficient to grant relief when it is convincing. The evidence of PW1 would show that she suffered physical, mental and emotional harassment at the hands of the first respondent. The evidence of PW1 remains credible even after cross examination as regards the cruelties stated by her. As there are no serious inconsistencies in the evidence of PW1 to disbelieve it even after cross-examination, I am inclined to rely on her testimony. The defence put forth by the first respondent would not show that the evidence of the petitioner is wholly unreliable or improbable. In the absence of any material to show that the evidence of PW1 is unworthy of belief, I am of the view that her sole testimony is sufficient to find that the first respondent caused domestic violence to the petitioner. Thus, the petitioner is entitled to get a protection order against the first respondent. **Hence, this point is found in favour of the petitioner in part.**
14. **Point No. (ii):** The petitioner claimed 15 lakhs rupees as compensation for the domestic violence suffered. I have found above that the petitioner has suffered

domestic violence at the hands of the first respondent. As the petitioner has proved domestic violence as found above, I am of the view that she is entitled to get compensation for the sufferings undergone by her. When it comes to the question of quantum of compensation, no specific evidence is on record to calculate the same. No material has been produced by the petitioner to substantiate her claim of Rs.15,00,000/- as compensation. The bills or materials to show the expenses, or loss incurred by her, have not been produced by her. There is no evidence that the petitioner suffered any grave injury. Thus, I am of the view that the same is an exorbitant amount in the absence of any evidence to show the entitlement of the petitioner for the same. Given the nature of domestic violence stated by PW1, she is only entitled to get a nominal amount as compensation. Considering the facts and circumstances, I am of the view that the petitioner is only entitled to get Rs. 1,00,000/-(One lakh rupees only) as compensation. The same is a reasonable and just compensation in the facts and evidence presented. **Hence, this point is found in favour of the petitioner in part.**

15. **Point No. (iii):** The petitioner claimed Rs.25,000/- per month as maintenance and Rs.1000/- per month as medical expenses from the first respondent. It was admitted by both parties that the petition for maintenance is pending before the Hon'ble Family court, and the same has not been finally disposed of.
16. PW1 and DW1 filed assets and liability affidavit. It is admitted by DW1 that he works as a doctor in the Kerala Government Health Service. DW1 stated that he receives Rs. 1,16,941/- as salary after compulsory deductions. He pays Rs. 25,000/- towards a vehicle loan, and Rs. 15,000/- towards rent; his mother is dependent on him. He also stated that PW1 is working in a private lab.
17. In the affidavit filed by PW1, she stated that she does not have any job or income and does not own any property. There is no material to show that PW1 is employed or earning an income. There is nothing in her cross-examination that indicates otherwise.

18. The evidence on record would show that the first respondent is capable of paying maintenance to the petitioner. As the husband, the first respondent has a duty to maintain his wife. Hence, the petitioner is entitled to receive maintenance from the first respondent.
19. As far as the quantum of maintenance is concerned, the petitioner stated that she requires financial support to meet her daily expenses. She is entitled to maintain a standard of living comparable to that of the first respondent. The first respondent is earning Rs.1,16,941/- after compulsory deductions. Even though the petitioner stated that she required Rs.26,000/- per month, the petitioner has not produced any specific evidence to substantiate the expenses. In the absence of any materials showing the exact expenses and considering the facts and circumstances, it is to be concluded that the petitioner is entitled to get only a fair and reasonable amount of maintenance. Considering the materials on record, the expenses stated by the petitioner, including the medical requirements, the income of the first respondent and current living standards, I find, on the facts and circumstances of the case, that Rs.20,000/- (Twenty thousand rupees) per month to the petitioner would be an adequate and reasonable amount of maintenance. The first respondent is liable to pay the said amount to the petitioner as maintenance from the date of the petition.
20. The amount ordered herein has to be adjusted against any existing maintenance order passed by the Hon'ble Family Court or against any amount already paid in this case, to avoid cumulative liability. That is, the petitioner shall be entitled to receive only the highest amount ascertained upon taking into account all existing maintenance orders, and the same shall be adjusted so as to avoid any overlapping liability. **This point is found in favour of the petitioner in part.**
21. **Point No. (iv):** The learned counsel for the petitioner submitted during the final hearing that the petitioner is not pressing the reliefs regarding the gold ornaments sought in the petition, as they were already granted by the Hon'ble Family Court. The said submission of the learned counsel was recorded by this

Court. Hence, the petitioner is not entitled to any relief regarding the gold ornaments. **This point is found against the petitioner.**

22. **Point No. (v):** The evidence of PW1 would show that she has not made any specific and concrete allegations against the second respondent. There is no material to show that the second respondent suppressed any facts in order to conduct the marriage, or forced the petitioner to pledge her gold ornaments. Hence, there is no sufficient evidence to grant any relief against the second respondent. **This point is found against the petitioner.**

23. **Point No. (vi): In the result, MC is allowed in part as follows:**

1. MC is dismissed as against the second respondent.
2. The first respondent is restrained from committing any physical or mental violence or any other sort of domestic violence against the petitioner.
3. The petitioner is entitled to get Rs.1,00,000/- (One lakh rupees only) as compensation from the first respondent. The first respondent is directed to pay the same within one month from the date of the order, failing which the petitioner is entitled to realize the same with interest of 9% per annum.
4. The first respondent is directed to pay Rs. 20,000/- (Twenty thousand rupees only) per month to the petitioner as maintenance from the date of the petition. The amount shall be adjusted against any existing order of maintenance and shall not result in a cumulative liability.
5. Other reliefs are not allowed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this, the 31st day of March 2026)

Judicial First Class Magistrate
Koyilandy

APPENDIX**Witnesses examined for the petitioner**

Rank	Name
PW1	Jasna

Exhibits marked for the petitioner

Sl. No.	Exhibit number	Description
1.	Ext.P1/DW1	Photograph
2.	Ext.P2/DW1	Photograph
3.	Ext.P3/DW1	Certified copy of FIR in Crime No.667/2020 of Elathoor PS, dated 02.06.2020.
4.	Ext.P4/DW1	Certified copy of final report in Crime No.667/2020 of Elathoor PS.

Witnesses examined for the respondents

Rank	Name
DW1	Dr. Dineesh

Exhibits marked for the respondents

Sl. No.	Exhibit number	Description
1.	Ext.D1/PW1	Photograph
2.	Ext.D2/PW1	Photograph
3.	Ext.D3/PW1	Photograph
4.	Ext.D4/PW1	Photograph

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