

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS-II,
SOUTH PARAVUR**

**Present: Ms. Athira Chandran U.B.
Judicial Magistrate of the First Class**

Saturday, the 6th day of June, 2026 / 16th day of Jyeshtam, 1948

MC 49/2022

- Petitioners : 1. Bindu U V, Aged 40, D/o. Vasanthakumari,
Bindu Bhavan, Puthiyapalam Cherry,
Parippally Village, Kollam Taluk.
2. Adithyan, Aged 21, S/o. Bindu,
Bindu Bhavan, Puthiyapalam Cherry,
Parippally Village, Kollam Taluk.
3. Adwaith, Aged 19, S/o. Bindu,
Bindu Bhavan, Puthiyapalam Cherry,
Parippally Village, Kollam Taluk.
- (By Adv. Bijidas)
- Respondents : 1. Suresh Kumar, Aged 52,
S/o. Viswanadhan Pillai, Suresh Bhavan,
Nedumonkavu, Vakkanadu P.O.,
Ulakkode, Kareepra Village, Kottarakkara Taluk.
2. Radhamma, Aged 66, W/o. Viswanadhan Pilla,
Suresh Bhavan, Nedumonkavu, Vakkanadu P.O.,
Ulakkode, Kareepra Village, Kottarakkara Taluk.

Order

MC is allowed in part

This petition having been heard today the court passed the following :

ORDER

1. This is an application filed u/s. 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as “the PWDV Act”).

2. The case of the petitioners, in brief, is that the first petitioner and the first respondent are husband and wife, and the second and third petitioners are their children. The second respondent is the mother of the first respondent. It is stated that the marriage between the first petitioner and the first respondent was solemnized on 7.11.2004 at Parippally Prince Auditorium. It is further stated that the first respondent had represented to the first petitioner that if she handed over her 80 sovereigns of gold to him, he would pledge the same and provide the amount to his sister, and thereafter would redeem the gold and return it to her gradually. However, according to the petitioner, the first respondent and his sister had concealed the fact that the said gold had been sold by them.

3. It is further submitted that after the marriage, while the first petitioner was pregnant with the second petitioner, the first respondent went

to Singapore for employment. During that period, the first petitioner was residing with the second respondent and the father of the first respondent. It is alleged that the second respondent and the father of the first respondent treated the first petitioner badly and insulted her by stating that she was not beautiful enough for their son, that the dowry brought by her was insufficient, and that a more beautiful girl with more dowry could have been obtained for their son. It is stated that the first petitioner was mentally harassed on account of such remarks. When these facts were informed to the first respondent, he also supported the statements made by the second respondent and thereby mentally harassed the first petitioner. It is further stated that the first respondent did not provide any maintenance to the first petitioner during her pregnancy. The second respondent and the father of the first respondent allegedly treated her badly, abused her using filthy language, and the father of the first respondent stated that she would not be permitted to go to her parental house along with her children. It is also alleged that no amount was sent by the first respondent for the welfare of the petitioners.

4. It is further submitted that there was 3 cents of property standing in the name of the first respondent and his sister. In order to purchase the

share of the sister of the first respondent, namely 1.5 cents of property, the house and property belonging to the first petitioner were pledged with the bank and the amount obtained therefrom was utilised for purchasing the share of the sister of the first respondent. It is further stated that, unable to bear the mental harassment caused by the second respondent, the first petitioner left the matrimonial home and went to her parental house. Thereafter, the first respondent came and stayed with the first petitioner in her house for about one year. Subsequently, an amount of ₹1,00,000/- was borrowed from the mother of the first petitioner, with an agreement that the same would be repaid at the time of the marriage of the brother of the first petitioner. However, the said amount has not been repaid by the first respondent till date. It is further alleged that the first respondent repeatedly demanded money from the parents of the first petitioner, and on several occasions received money from the family of the first petitioner. It is also alleged that, again demanding money, the first respondent brutally assaulted the first petitioner. The first petitioner did not disclose such incidents to anybody, considering the future of the second and third petitioners.

5. It is further alleged that on 02.02.2019, at about 03.00 a.m., the first respondent came home in an intoxicated state and slept in his bedroom. On the next morning, he allegedly attacked the first petitioner stating that she had not provided dinner to him. It is alleged that the first respondent broke the nose of the first petitioner and hit her head against the wall. Due to the pain and fear caused by the incident, the first petitioner left the house. It is further alleged that the first respondent humiliated the first petitioner in front of others by stating that she had no money and that she was not good-looking. It is also alleged that the first respondent attempted to attack the second and third petitioners. Fearing further assault, the first petitioner took shelter in a neighbour's house and informed her parents, who came and took her to their house. It is further stated that even thereafter, the first respondent came to the house of the first petitioner and threatened that he would burn the house and burn the first petitioner. It is alleged that when the first petitioner and her children locked themselves in a room out of fear, the first respondent attempted to break open the door. Due to the alleged acts of assault and threat, the first petitioner informed the Parippally Police. It is stated that the police took the first respondent to the police station and, during mediation

conducted by mediators, the matter was settled. Hence, no case was registered by the first petitioner at that time.

6. It is further stated that thereafter, on the basis of the mediation, the first petitioner was taken back by the first respondent to the matrimonial home. However, according to the petitioners, the harassment and humiliation continued thereafter. It is alleged that the first respondent behaved badly towards the second and third petitioners and, while he was abroad for employment, threatened the petitioners over the phone that he would beat them to death. It is further alleged that the second respondent supported the acts of the first respondent and that the first respondent did not provide any amount towards the education and welfare of the second and third petitioners.

7. It is further alleged that on 24.11.2022 at about 09.30 p.m., the first respondent attempted to assault the second petitioner when the second petitioner was returning after attending night tuition classes. When the first petitioner intervened, the first respondent allegedly assaulted her, abused her using filthy language, took a machete, and chased her stating that he would kill her. It is also alleged that the first respondent took petrol in his hand and

threatened to burn the first petitioner. It is further alleged that on the next morning, the second respondent told the first petitioner that it would have been better if the first respondent had killed her on the previous night. Fearing for her life, the first petitioner left the matrimonial home and went to her parental house along with the second and third petitioners. It is alleged that the petitioners are living under constant fear of the first respondent and that the first respondent is a person capable of committing further cruel acts. Hence, the petition is filed seeking return of the gold and money allegedly given by the first petitioner and her family to the first respondent, along with protection order, residence order, and compensation.

8. A prayer for monthly maintenance of ₹30,000/- was also made in the petition. However, a memo has been filed through the learned counsel for the petitioners stating that the said prayer for maintenance is not pressed. Hence, the said relief is not considered in this petition.

9. The notice was issued to the respondents. On 29.08.2025 the respondents remained absent with no representation and the proceedings were set ex-parte against the respondents. The 1st petitioner was examined as PW1

and the affidavit was filed in lieu of examination-in-chief. Exhibit P1 was marked from the side of the petitioners.

10. Heard the learned counsel for the applicants/ aggrieved persons.

Perused the available records.

11. Points that arose for consideration are:-

1. Whether the first petitioner is an “aggrieved person” within the meaning of Section 2(a) of the Protection of Women from Domestic Violence Act, 2005 and whether there existed a domestic relationship and shared household between the parties?
2. Whether the petitioners have succeeded in proving that the respondents committed acts of domestic violence against the first petitioner as alleged in the petition?
3. Whether the petitioners are entitled to get a protection and residence order as sought for in the petition?

4. Whether the petitioner is entitled to get back the gold ornaments and money allegedly given to the respondents?
5. Whether the petitioners are entitled to get monetary relief by way of compensation and if so, what should be the quantum?

12. **Point Nos. 1 to 3 :-** For the sake of convenience and in order to maintain brevity, points no.1 and 2 are considered together. The first petitioner has approached this Court under the provisions of the Protection of Women from Domestic Violence Act, 2005 alleging various acts of physical, verbal, emotional and economic abuse allegedly committed by the respondents. The first respondent is the husband of the first petitioner and the second respondent is the mother of the first respondent. The second and third petitioners are the children born in the relationship between the first petitioner and the first respondent. The relationship between the first petitioner and the first respondent as husband and wife is not in dispute. Exhibit P1 is the marriage certificate produced from the side of the petitioners, which establishes the marriage between them. Therefore, the fact that the first petitioner and the first respondent were in a domestic relationship and had lived together in a shared household stands proved.

Hence, the first petitioner is an aggrieved person within the meaning of Section 2(a) of the Act.

13. The first petitioner filed her chief affidavit in lieu of examination-in-chief, wherein she reiterated the allegations made in the petition. The allegations include physical assault, verbal abuse, mental harassment, threats and other acts allegedly committed by the respondents. The evidence of the first petitioner regarding the nature of the alleged harassment remains uncontroverted, as no effective evidence has been adduced from the side of the respondents to disprove the allegations.

14. The object of the Protection of Women from Domestic Violence Act is to provide effective protection and remedies to women who are subjected to domestic violence. On considering the entire materials available, including the sworn statement of the first petitioner and the surrounding circumstances, this Court finds that the allegations of harassment and ill-treatment are sufficient to establish that the first petitioner was subjected to domestic violence as contemplated under the Act. The petitioners have sought a protection order and residence order. The relief of residence claimed by the

petitioners is a prayer for peaceful residence in her own house without interference or threat from the first respondent. Considering the allegations of threat and harassment raised by the first petitioner and the relationship between the parties, the petitioners are entitled to protection against further acts of domestic violence. Therefore, a protection order and a residence order securing the peaceful residence of the first petitioner in her own residence can be granted. Hence these points are answered in favour of petitioners.

15. **Point no. 4:-** The petitioners have also sought return of gold ornaments and money allegedly entrusted to the respondents. Though allegations have been made that 101 sovereigns of gold and amounts were entrusted to the first respondent and that the same were misappropriated or not returned, no independent evidence has been produced by the petitioners to establish such entrustment or the possession of such gold and money by the respondents. Apart from the oral assertion of the first petitioner, there is no material available before this Court to prove the said claim. Therefore, the relief for return of the alleged gold and money cannot be granted on the basis of the available evidence. Hence, the said claim is liable to be rejected. Therefore these points are answered in negative.

16. **Point no. 5:-** The petitioners have also sought compensation of ₹10,00,000/- from the respondents for the mental agony, emotional distress and suffering allegedly caused to the first petitioner. Section 22 of the Protection of Women from Domestic Violence Act, 2005 empowers this Court to direct the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by the respondent.

17. In the present case, the first petitioner has alleged that she was subjected to continuous harassment, humiliation, threats and physical assaults by the first respondent. The first petitioner, in her chief affidavit filed in lieu of examination-in-chief, has reiterated the allegations stated in the petition. The circumstances stated by the first petitioner would show that the alleged acts of the first respondent had caused considerable mental agony and emotional suffering to her. The fact that the first petitioner had to leave the matrimonial home along with her children due to the alleged conduct of the first respondent also indicates the impact of the alleged domestic violence upon her. While considering the claim for compensation, this Court has to assess the nature of the acts proved, the extent of mental suffering caused, the

surrounding circumstances and the evidence available on record. The claim for compensation is independent of the claim for return of gold and money. Though the petitioners have failed to establish the entrustment of the alleged gold ornaments and money, the same does not prevent this Court from granting compensation for the domestic violence established on record.

18. However, the first petitioner has not produced any specific evidence to quantify the actual monetary loss or the extent of damages suffered to the extent of ₹10,00,000/-. Therefore, the claim for the entire amount of ₹10,00,000/- cannot be allowed as such. Considering the nature of the domestic violence proved, the mental trauma and emotional distress suffered by the first petitioner, and the circumstances of the case, this Court finds that awarding a reasonable amount of compensation would meet the ends of justice. Accordingly, the first petitioner is entitled to receive compensation of ₹2,00,000/- from the respondents under Section 22 of the Protection of Women from Domestic Violence Act, 2005.

In light of the discussion above the following relief are ordered:-

1. The respondents are restrained from causing any physical harassment, verbal abuse, intimidation, threat or any other form of domestic violence against the first petitioner and the petitioners.
2. The respondents are further prohibited from entering into the residence of the first petitioner or causing any disturbance to the peaceful residence of the first petitioner, and from entering the educational institutions of the second and third petitioners or from committing, aiding, abetting or attempting to commit any act of domestic violence against the petitioners.
3. The respondents are restrained from contacting the petitioners in any manner with the intention of causing threat, harassment or disturbance to their peaceful life.
4. The respondents are directed to pay an amount of ₹2,00,000/- (Rupees Two Lakhs only) to the first petitioner as compensation under Section 22 of the Protection of Women from Domestic Violence Act, 2005, towards the mental agony and emotional distress suffered by her due to the acts of domestic violence established in this case.

No order as to costs.

In the result, the MC is allowed in part. All the interim orders passed in the MC stand vacated.

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

Dictated to the Confidential Assistant directly, typed by her, corrected and pronounced by me, in open court, on this the 6th day of June, 2026.

Sd/-
**Judicial Magistrate of the First Class-II,
Paravur**

APPENDIX

Witnesses for Petitioners :-

Prosecution witness no.	Name of Witness	Description
PW1	Mrs. Bindu U V	Complainant

Exhibit for Petitioners:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	Marriage certificate	PW1 on 27.12.2025

Witnesses for respondents :-

Witness no.	Name of Witness	Description
Nil		

Exhibit for respondents:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
Nil		

Sd/-

**Judicial Magistrate of the First Class-II,
Paravur**