

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

Present: Ms.Nova Jose
Judicial First Class Magistrate.
Dated this the 12th Day of May, 2026

C.M.PNo.2/2026

in

M.C.66/2025

Petitioners

**:P1]. Sahalath, Aged 27/25 Yrs,
D/o. Saidalavi,
Puthan Peediyekkal House,
C.K.Nagar, Chemmad,
Tirurangadi, Malappuram – 676 306**

**:P2]. Muhammed Sabeeh, Aged 8/25 Yrs,
S/o. Sharafali,
Puthan Peediyekkal House,
C.K.Nagar, Chemmad,
Tirurangadi, Malappuram – 676 306**

**:P3]. Fathima Shahameen, Aged 7/25 Yrs,
D/o. Sharafali,
Puthan Peediyekkal House,
C.K.Nagar, Chemmad,
Tirurangadi, Malappuram – 676 306**

(P2 and P3 being minors are represented by
petitioner No.1 Mother)

[Tirurangadi Police Station Limit]

[Rep.by Sri.M.C.Aneesh, Advocate]

Respondents

**:R1]. Sharafali, Aged 38/25 Yrs,
S/o Saidalavi,
Azhu Valappil House,
Chemmad, Nr.Kondanath Bus stand,
Tirurangadi.P.O. Tirurangadi Taluk,
Malappuram District – 676 306**

:R2]. Saidalavi,

Azhu Valappil House,
Chemmad, Nr.Kondanath Bus stand,
Tirurangadi.P.O. Tirurangadi Taluk,
Malappuram District – 676 306

:R3]. Maimoonath,

W/o Saidalavi,
Azhu Valappil House,
Chemmad, Nr.Kondanath Bus stand,
Tirurangadi.P.O. Tirurangadi Taluk,
Malappuram District – 676 306

:R4]. Jubariya,

D/o Saidalavi,
Azhu Valappil House,
Chemmad, Nr.Kondanath Bus stand,
Tirurangadi.P.O. Tirurangadi Taluk,
Malappuram District – 676 306

:R5]. Mubeena,

Azhu Valappil House,
Chemmad, Nr.Kondanath Bus stand,
Tirurangadi.P.O. Tirurangadi Taluk,
Malappuram District – 676 306

[Tirurangadi Police Station Limit]

[Rep.by Sri.C.K.Sidhique, Advocate]

This case coming on for admission today and the court passed the following:

ORDER

This is a petition filed by the petitioner seeking residence order in respect of the house bearing No.30/126 of Tirurangadi Municipality.

2]. The petition averments are as follows:- The petitioner's husband and his family members have been continuously subjecting the petitioner to both mental and physical harassment, and have attempted to evict her from the

house. Even after the above case was filed, the respondents have continued to harass the petitioner mentally and physically, and have repeatedly tried to evict her from the house. The 1st respondent, who was abroad, has now returned to India and, without the knowledge or consent of the petitioner, married Fatima Hannath A.P, D/o Ibrahim Koya, on 04.02.2026. Subsequently, on 12.02.2026, the respondents together attempted to forcibly drag the petitioner out of the house in order to bring the new wife into the residence. When the petitioner cried out loudly, the respondents locked her inside the house. They also locked the kitchen, leaving the petitioner unable to cook food. The petitioner informed her brother Abdul Nassar by phone, who then reported the matter to the police and brought food to the petitioner's house. On the way, Abdul Nassar was assaulted by the 1st respondent and his brother-in-law Abid. Although the police came and instructed the respondents not to cause any further trouble to the petitioner, the harassment has continued. The petitioner remains locked inside the house, unable to step outside. On 21.02.2026, her brother Muneer filed a written complaint at Tirurangadi Police Station, but no action has been taken against the respondents. The petitioner fears that if she leaves the house, the respondents will lock the house and gate and leave, thereby preventing her from re-entering. Thus, despite the protection order issued by this Court, the petitioner has not received any protection from the police. Therefore, it is urgently necessary that the respondents be directed not to obstruct the petitioner's peaceful residence in the house, not to interfere with her freedom, not to lock her rooms, house, or kitchen, not to prevent her from cooking and eating, and not to cut off water or electricity supply. It is also necessary that the Tirurangadi Police be instructed to enforce the protection order. Otherwise, the petitioner's very life will be in danger. Therefore, it is requested that this Hon'ble Court be pleased to direct the respondents not to obstruct in any manner the petitioner's peaceful residence in House No. 30/126, Tirurangadi Municipality,

which belongs to the 2nd respondent and to direct the respondents not to interfere with the petitioner's free and independent life, should not lock the rooms, house, or kitchen where the petitioner resides, should not prevent her from cooking and eating in the kitchen, and should not cut off drinking water or electricity supply. It is further prayed that directions be issued to the Tirurangadi Police to ensure the effective implementation of the protection order. Such directions are absolutely necessary for the petitioner's safety and peaceful living. Hence the petition.

3]. The 1st and 2nd respondents filed a counter statement. They denied all the averments in the above petition. After the 1st respondent went abroad for work, whenever he tried to call the petitioner, her phone was always found to be busy. The petitioner behaved very distantly towards the 1st respondent. When the 1st respondent returned to India and inquired into matters, he discovered that the petitioner has an illicit relationship with a man named Sahad from Kolappuram. The 1st respondent found obscene photos on the petitioner's phone, and also saw that such photos and videos had been shared from the petitioner's number (7025731377) to Sahad's number (9947346072). It was also learned that the petitioner had invited Sahad to her house and engaged in physical relations with him. Later, the petitioner went to her parental home and stayed there for about one year. The illicit relationship between the petitioner and Sahad continued, and Sahad even threatened the 1st respondent that he would circulate the petitioner's nude photos on social media. As a result, the 1st respondent lodged a complaint before the Tirurangadi Station Officer on 20.05.2025, and subsequently, the 2nd respondent filed a complaint before the Superintendent of Police, Malappuram, on 23.07.2025. On checking the petitioner's phone, photos and obscene videos of her relationship with Sahad were found. None of the petitioner's gold ornaments or money were taken by the respondents; all her

ornaments remained with her. The 1st respondent, having confirmed the petitioner's continuous physical relationship with Sahad and her ongoing contact with another person, issued a notice of divorce (Talaq) on 17.05.2025 to the Mahallu Committee and the petitioner, which she accepted. The Mahar given at the time of marriage was handed over by the 1st respondent to the CK Nagar Mahallu Committee officials, who in turn entrusted it to the petitioner's brothers, Basheer and Muneer. A letter from the CK Nagar Mahallu Committee Secretary was produced along with objections in Crl.M.P.No.1486/2025. The petitioner accepted the divorce pronounced on 17.05.2025. Subsequently, on 11 June, the petitioner filed the above petition. She had been residing at her parental home for about one year. Later, on 12.02.2026, the petitioner, along with her brothers, trespassed into the respondents' house and assaulted respondent Nos.1, 2, and 3. Following this, the 2nd respondent lodged a complaint before the Tirurangadi Police. Afterwards, the petitioner entered the 1st respondent's room and locked it, where valuable items such as his Aadhaar card, passport, PAN card, 2400 UAE Riyals, 3 sovereigns of gold ornaments, clothes, and two mobile phones were kept. Since the 1st respondent could not even retrieve his passport to renew it, he filed Crl.M.P. No.51/2026 before the Hon'ble Court seeking a search warrant. The court later released the items. From these facts, it is clear that none of the respondents had locked up or harassed the petitioner. The 1st respondent had already divorced the petitioner by notice, which she accepted. The petitioner's subsequent trespass into the respondents' house was unlawful and malicious. The petitioner, concealing her illicit relationship and with the intention of harassing the respondents, fabricated false stories to pressurize them and thereby extort money and property from them. The petition has been filed on such false grounds. All the allegations stated in the petition are untrue, and the respondents deny them. The petitioner has no legal right or authority to claim any relief as stated in the petition. Therefore the petition is liable to be dismissed.

4]. Heard both sides. Perused the records.

5]. The 1st petitioner herein seeks a residence order in respect of House No. 30/126 of Tirurangadi Municipality, wherein the petitioners are residing. The 1st petitioner claims that the house is the shared household and she has the right to reside therein. Per contra the respondents claim that on 17.05.2025 the 1st respondent pronounced talaq on the 1st petitioner through the Mahallu Committee and the petitioner was accepted the same. The Mahar given at the time of marriage was handed over by the 1st respondent to the CK Nagar Mahallu Committee officials, who in turn entrusted it to the petitioner's brothers, Basheer and Muneer. Subsequently, on 11.06.2025, the petitioner filed the above petition. The current marital status with the petitioner is also challenged by the respondents. The counsel for the petitioner argued that, at the time of pronouncement, the 1st respondent was abroad. The letter was issued by a third person; therefore, the same is not valid. The counsel for the petitioner further argued that the petitioners are now residing in the above said house. On 07.03.2023 the counsel for the petitioner filed a petition seeking the appointment of an Advocate Commissioner to inspect the shared household bearing No.30/126 of Tirurangadi Municipality and to report whether the respondents locked the petitioner inside the house and also locked the kitchen and other areas. After hearing both sides, the above petition was allowed, and this Court appointed an Advocate Commissioner. It is to be noted that the Advocate Commissioner inspected the aforesaid house and filed a report before the Court. On going through the commission report, it can be seen that the petitioners and respondents, except the first respondent, were present therein. The compound of the said house also contained the house of the first respondent's brother. The doors and bedrooms of the house were not locked. The Advocate Commissioner further reported that the kitchen and premises did not appear to have been utilized. The

Commissioner also reported that the keys of the rooms and kitchen were being kept by the respondents. The Commissioner further reported that the 2nd petitioner has been bringing food for the petitioner from a relative's house located far away from the aforesaid house. From the report it is clear that the petitioners are now residing at the above said house. The Hon'ble Apex Court in *Satish Chander Ahuja Vs Sneha Ahuja reported in 2020(5) KHC 496* by which the Hon'ble Supreme Court categorically asserts that "the right to residence in a shared household can be enforced against the husband as well as the mother-in-law, father-in-law and or any other relative of the husband as the case may be, if the aggrieved wife has been in domestic relationship with such persons." Hence it can be safely concluded that the petitioner is entitled to get peaceful residence in the house bearing No.30/126 of Tirurangadi Municipality and it is ordered accordingly.

In the light of the above discussion, this Court passes the following order:-

1]. A protection order is granted in favour of the petitioners whereby the respondents are restrained from committing any act of domestic violence such as physical abuse, sexual abuse, verbal and emotional abuse and economic abuse against the petitioners, directly or through their men or agents and from interfering the peaceful living of the petitioners in the house bearing No. 30/126 of Tirurangadi Municipality.

2]. The respondents shall not interfere with the use of the kitchen and other amenities in the house by the petitioners.

3].The SHO Tirurangadi is directed to give assistance to the petitioners to execute the above said order.

[Pronounced by me in the open court this the 12th Day of May, 2026.]

Sd/-

Judicial First Class Magistrate,
Parappanangadi.

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