

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II,**  
**NEDUMANGAD**

Present: Akshaya.P.R., Judicial First Class Magistrate-II  
Nedumangad.

Wednesday, 11th day of March, 2026/20th Phalgun, 1947

**CMPNo.9132/2024 IN MC 157/2024**

Petitioner	:	Thankachi, W/o.Divakaran, Deepu vilasam, Chekkakonam, Karakulam.P.O. Nedumangad, Thiruvananthapuram. (By Adv.Smt.Remya R Nair )
Respondents	:	1.Akhil, S/o.Divakaran, Deepu vilasam, Chekkakonam, Karakulam.P.O.  2.Surya Raj, W/o.Akhil, Deepu vilasam, Chekkakonam, Karakulam.P.O. (By Advocate Sri.N.Aravindakshan Nair )
Petition filed	:	U/s.23 of the Protection of Women from Domestic Violence Act 2005.
Order	:	Allowed

This case having been finally heard on 6.3.2026 the court on 11.3.2026 delivered the following :

**ORDER**

1.This is an application filed by the petitioner invoking Section 23(2) of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the PWDV Act).

2.The crux of the averments in the petition is as follows:- The petitioner is the mother of the first respondent and the mother-in-law of the second respondent. The

marriage between the respondents was solemnised in the year 2023. After the marriage, the respondents, along with the petitioner, started residing in the residential building owned by the petitioner.

3. The petitioner has three sons. The elder son, along with his family, resides on the first floor of the building and the second son resides on the second floor. The petitioner and the respondents were residing on the ground floor of the said building. According to the petitioner, after the second respondent started residing in the house, she began to abuse the petitioner and instigated the first respondent to assault and insult her. It is alleged that the second respondent used to subject the petitioner to both mental and physical harassment. The petitioner further alleges that the second respondent did not provide her food properly and did not permit her to cook in the house. It is also alleged that the respondents had taken several steps to evict the petitioner from the shared household.

4. The husband of the petitioner expired in the year 2011. Thereafter, the petitioner had been taking care of her children by engaging in various works. The petitioner further contends that since she did not go for work as directed by the respondents, they threw away certain household articles from the house.

5. It is further alleged that in the year 2024 the second respondent poured water on the floor with an intention to cause the petitioner to slip and fall, as a result of which the petitioner fell down and had to be taken to the hospital. Hearing the cry of the petitioner, her elder son who resides on the first floor came down and took her to the hospital. The petitioner also alleges that whenever her other children attempted to help her, the respondents abused them as well.

6. The petitioner contends that the respondents have no manner of right over the property owned by her. It is further alleged that the first respondent is earning an income of around ₹50,000 per month. According to the petitioner, the acts of the respondents are life-threatening and therefore she approached the police with a non-cognizable complaint and thereafter filed the present application before this Court.

The respondents have filed objections denying the allegations and contending that the averments in the petition are baseless. The respondents admit the marriage between them and also admit that they had been residing in the house of the petitioner.

7. According to the respondents, in October 2025 the first respondent started painting the portion of the house allotted to him with the assistance of a relative. As both of them were employed during the day time, the work was carried out during the night. At that time, one of the brothers of the first respondent, namely Dinu, allegedly came in an intoxicated state, abused the first respondent using obscene language and assaulted him. It is further alleged that he threw plant pots at the first respondent and attempted to commit culpable homicide.

8. Based on the said incident, Nedumangad Police registered Crime No. 1821 of 2025 against the said brother and he was remanded by the court. The respondents contend that the real intention of the petitioner and her other children is to evict the respondents from the shared household.

9. The respondents further allege that even in the year 2024 the elder brother as well as the younger brother of the first respondent had assaulted him with a dangerous weapon. It is contended that the first respondent has never acted in violation of any law. Though the first respondent had lodged a complaint before the police regarding certain incidents, the same was found to be frivolous and no crime

was registered. Hence, according to the respondents, the allegations raised by the petitioner are false and baseless.

10. Heard both sides.

11. Points for consideration :-

(i) Is the petitioner entitled to get protection order as prayed for?

(ii) Is the petitioner entitled to get residence order as prayed for ?

(iii) Relief and costs?

12. **Point No 1 to 3:-**

The nature of the relationship between the parties remains admitted. From the objection filed by the respondents themselves, it is evident that the relationship between the parties is strained and several disputes have arisen between them. The registration of a crime in Nedumangad Police Station against one of the brothers of the first respondent in connection with an alleged assault further indicates the existence of serious conflicts among the family members residing in the same premises.

13. The object of the Protection of Women from Domestic Violence Act, 2005 is to provide effective protection to women who are victims of domestic violence occurring within the family. On a careful consideration of the averments in the petition, the affidavit filed in support thereof, and the objections filed by the respondents, this Court is satisfied that sufficient prima facie materials are placed on record to hold that the petitioner is an aggrieved person within the meaning of the Act.

14. The apprehension expressed by the petitioner regarding threat to her life and safety cannot be ruled out in the light of the materials placed before this Court. In such circumstances, the petitioner is entitled to protection from any act of domestic violence as defined under the statute. If a protection order is not granted, there exists a possibility of further harassment and threat to the safety of the petitioner.

15. The petitioner has also sought removal of the respondents from the shared household. However, as per the provisions contained in Section 19 of the Protection of Women from Domestic Violence Act, 2005, a woman cannot be evicted or excluded from the shared household in the guise of granting a residence order. In the present case, the second respondent being the daughter-in-law of the petitioner and her domestic relationship with the petitioner being admitted, she cannot be directed to be evicted from the shared household by invoking the said provision.

16. However, considering the specific apprehension raised by the petitioner regarding the conduct of the first respondent and the strained relationship between the parties, this Court is of the view that in order to prevent further conflict and to ensure the safety of the petitioner, the first respondent can be directed to remove himself from the shared household until the final disposal of the case. If such a direction is not issued, there exists a likelihood of irreparable injury and harm being caused to the petitioner.

17. Considering the close relationship between the parties, this Court is of the view that each party shall bear their respective costs.

So point no.1 to 3 found so.

In the result, the petition is allowed as follows:-

(I) The respondents shall not commit any act of domestic violence against the petitioner and shall not threaten, intimidate or harass the petitioner in any manner.

(ii)The first respondent is directed to remove himself from the shared household and shall not reside therein until the final disposal of this case.

(iii)Considering the relationship between the parties, both sides shall bear their respective costs.

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court this the 11<sup>th</sup> day of March,2026 .*

Sd/-

Judicial First Class Magistrate-II

Nedumangad

(True copy)

Judicial First Class Magistrate-II

Nedumangad