

IN THE COURT OF JUDICIAL MAGISTRATE, COONOOR.

**PRESENT: Tmt. R. GEETHA, B.A., B.L.,
Judicial Magistrate,
Fast Track Court at Magisterial Level, Coonoor,
(FAC) Judicial Magistrate, Coonoor,**

Dated :- Wednesday this the 22nd day of July - 2026
2053 Thiruvalluvarandu Sri Parabhava Varudam, Aadi 06th day.

**STC.No.95/2026
CNR.No. TNNSO50006682026**

Mrs. Pramila,
W/o. Ranjithkumar,

— Petitioner/Aggrieved party.

-//Vs//-

Mr. Ranjithkumar,
S/o. Shanmugam,

—Respondent.

This case was filed on 03.03.2026 U/s. 31 of the Protection of Women from Domestic Violence Act, was taken on filed as STC.95/2026 has come before me for final hearing on 10.07.2026 in presence of Mr. Sudhakar, B.A.B.L., Advocate for the Petitioner/ Aggrieved Party and Mr. C.S.Sampath Kumar, B.Sc.,B.L, Advocate appeared on behalf of the Accused/ Respondent and after having heard the arguments and upon perusing available case records, and having stood over for consideration, till date, this court delivers the following.....

J U D G M E N T

The petition was presented by the complainant on 03.03.2026 for the alleged offence U/s. 31 of the Protection of Women from Domestic Violence Act, 2005 for the willful disobedience of the accused against the maintenance order passed by this court.

1. Gist of complaint :-

1.1. The petitioner filed DVC No.7 of 2022 for the relief of Protection order, directing the respondent to return the 7 sovereigns of gold belongings and to pay monthly maintenance of Rs.10,000/- to the petitioner and her two children. The petitioner further stated that the D.V. petitioner was allowed by this court. However, the accused had not complied the order of this court by making the arrears of maintenance amount and monthly maintenance amount till date and the accused did not return her 7 sovereign gold belongings as per the order of this court in D.V.C. No. 7 of 2022. The accused is willfully and deliberately evading the payment of maintenance amount as well as return of her gold belongings; thereby he continuously disobeying the court order. Hence, this complaint filed to punish the accused for violation of order of this court in D.V.C. No. 7 of 2022 and detain the respondent in prison.

2. Cognizance of complaint and compliance of Section 230 of BNSS :-

2.1. On receipt of complaint, and upon perusal of records, having found prima facie case against the accused, took cognizance of the offence and summon was ordered to be issued to the accused. The accused had appeared on service of summon and copies were furnished U/s.230 of BNSS., and after giving sufficient, substance of accusation was questioned to the accused as per Section 274 of BNSS. The accused pleaded not guilty and claims to be tried.

3. Trial of the case :-

3.1. The complainant herself examined as P.W.1 and marked Ex.P.1 on her side.

4. Compliance of Section 351(1)(b) of BNSS.:-

4.1. After completion of complainant side evidence, the statement of the accused U/s. 351(1)(b) of BNSS., was recorded after disclosing the incriminating circumstances and evidence against the accused, to which the accused answered that since his father not well

he did not pay the amount and claimed to adduce evidence on his side. No witness examined on the side of the accused and no documents has been marked on the side of the accused.

5. Brief Arguments put forth by both sides :-

A) Arguments on the side of complainant :-

The learned counsel appearing for the complainant contended that as per the order of this court, the accused have to pay Rs.10,000/- every month to the petitioner for the livelihood of the petitioner and her two children from the date of 06.04.2022 and has to return her 7 sovereign of gold jewels. Further, the learned counsel argued that the accused was in default in payment of monthly maintenance and arrears of maintenance which accumulated for the period from 06.04.2022 to 04.07.2025 is Rs.3,89,333/-. Hence, he liable to punish u/s. 31 of D.V.Act.

B) Arguments on the side of Accused :-

Despite passing conditional order, the accused did not submitted his argument.

6. Points for consideration :-

6.1. Whether the complainant has proved that the accused has failed to comply the protection order passed by this court in DVC.No.07/2022 and thereby committed an offence U/s. 31 of the Protection of Women against Domestic Violence Act, 2005 beyond all reasonable doubts?.

6.2. This court has carefully perused the documents and considered the contentions of the complainant. The complainant and the accused are husband and wife. Alleging the acts of domestic violence the complainant filed petition under sec. 12 of D.V. Act and the same was taken on file by the Judicial Magistrate, Coonoor in DVC No. 7 of 2022, in which the accused appeared and contested the case. After full enquiry an order was passed by this court of the Judicial Magistrate, Coonoor on 04.07.2025 thereby directing the accused to

pay monthly maintenance of Rs.10,000/- towards the complainant and her two children from the date of the main petition i.e., from 06.04.2022 and also directed the accused to return the gold ornaments of 7 sovereigns belongs to the petitioner which is in the possession of the accused. This complaint filed by the complainant for the default in making the monthly maintenance as well as arrears of amount of Rs.3,89,333 and also for failure in return of her 7 sovereign gold ornaments. Now it has to be determined whether the accused has committed any breach of maintenance order thereby disobeying the order of this court passed in D.V.C. No.7 of 2022.

6.3. The complainant examined herself as PW1 by way of filing proof affidavit. PW1 in her chief proof affidavit stated that the accused has failed to pay monthly maintenance of Rs.10,000/- and arrears of maintenance amount to her as per the order of this court. Further, she stated that the accused failed to return of her 7 sovereign of gold ornaments. Further, upon perusal of Ex.P1 which is the order passed by the Judicial Magistrate, Coonoor in DVC No. 7 of 2022 on 04.07.2025, in the result portion this court directed the accused to return the 7 sovereign gold ornaments to the complainant and also monthly maintenance of Rs.10,000/- was ordered for the livelihood of the complainant and her two children; further, it was clarified that the same has to be paid within 7th of every month. Further, it was ordered that the accused has to pay the said maintenance amount from the date of filing on 06.04.2022.

6.4. The maintenance order was passed after taking into account the relevant facts and circumstances, including the earning capacity of the accused and the needs of the complainant and her two minor children.

6.5. Further, while this court questioning the accused U/s. 351(1)(b) of BNSS Act regarding the incriminating circumstances in the evidence of the complainant, the accused answered as followed;-

“நான் தொகை கொடுக்கவில்லை.”

6.6. Upon perusing the above answer given by the accused, it revealed that the accused himself admitted that he did not paid the monthly maintenance as per the order of this court. Further, upon perusal of records the accused never chosen to conduct cross examination of the complainant. Hence, it is clear that the accused has failed and neglected to comply with the monitory relief passed in D.V.C. No. 7 of 2022 under sec. 20(1)(d) of DV act, which amounts to breach of the protection order within the meaning of section 31 of the Act. The protection of Women from Domestic violence Act, 2005, is a beneficial legislation intended to provide immediate reliefs to the aggrieved women and children facing domestic violence. The deliberate non compliance with the monitory relief order nullifies the statutory purpose of the Act, which mandates prompt financial protection to the aggrieved person. Such order carry binding force and must be adhered to. Non payment of maintenance strikes at the root of the very object of the act which cannot be permitted.

6.7. The Hon'ble High Court Madras in Revathi VS [Raja @ Ramachandran](#) reported in CDJ 2018 MHC 8257 held that,

“9. When there is any person aggrieved in respect of the order of maintenance with any entitlement under the law or payable under the order of the court, such aggrieved person has to be construed as a person deprived of all or any economic resource which under the inclusive definition is a economic abuse.

Thus, non payment of maintenance squarely falls within the definition of domestic violence and therefore on a combined reading of Section 3(iv), 18, 20 and 22 there can be no doubt in the mind of any judicial officer whether an order passed by the Magistrate regarding payment of maintenance or compensation fall within the definition of protection order.

6.8. Similarly, The Hon'ble Madurai Bench of Madras High Court in Amalraj VS State and another in Crl.O.P.(MD).No.15704 of 2018, dated.06.03.2023 held as followed:

“21. In the result this Court hold as follows :-

Section 31 of DV Act is the key provision and heartbeat of the DV act to regulate the violator of protection order passed U/s.18 of the DV act. The question as to whether the law enforcing authority has jurisdiction to register the Criminal Case U/s.31 of the act for non-payment maintenance allowance which is deemed to be breach of protection order U/s. 18 of the act, is answered affirmatively and the law enforcing authority has jurisdiction to register the case and proceed in accordance with law for every breach of order without any legal bar for the reason that each breach of order amounts to a continuing offense.”

6.9. Thus in view of the above dictum's non payment of maintenance amounts to breach of the order passed under the act and the same constitute an offense under section 31 of DV Act. Thus the accused has committed an offense under section 31 of the DV act is proved beyond reasonable doubts by the complainant. Since the nature and circumstances of the offence is an economic abuse, this court is not inclined to invoke the provisions of the Probation of Offenders Act, 1958.

7. Further, the accused has not present before this court today for hearing judgment, however, in order to avoid the delay, this court constrained to proceed with this case by pronouncing the judgment even in the absence of the accused as per sec. 392(6) and 392(7) of B.N.S.S.

8. Decision :-

In the result, the accused is found guilty of the offense U/s. 31 of the Protection of Women from Domestic Violence Act, 2005, and the accused is convicted U/s. 278(2) of B.N.S.S. and sentenced to undergo -6- months simple imprisonment and a fine of Rs.20,000/- shall be paid in default of the payment of fine the accused shall undergo further -1- month simple imprisonment. Further, the fine amount of Rs.20,000/- is directed to be

paid to the complaint U/s. 395(1)(b) of B.N.S.S. Act. NBW issued against the accused.

Dictated by me, typed by my Steno-Typist, Corrected and pronounced by me in open court on the 22nd day of July – 2026.

***//sd.//R. Geetha, B.A.B.L.,
(FAC) JUDICIAL MAGISTRATE,
COONOOR.***

ANNEXURE

I. Petitioner's side evidence :-

PW.1 - Mrs. Pramila (Aggrieved Party)

II. Exhibits marked on the Petitioner side:-

<i>Sl. No</i>	<i>Exhibits</i>	<i>Documents</i>
1	<i>Ex.P.1</i>	Copy of Order in DVC.No.07 of 2022, dated.04.07.2025.

III. Respondent side evidence:-

DW.1 – Mr. Ranjithkumar.

IV. Exhibits marked on the Respondent side:-

-Nil-

***//sd.//R. Geetha, B.A.B.L.,
(FAC) JUDICIAL MAGISTRATE,
COONOOR.***

Note :-

1. Accused absent.
2. Copy of the Judgment not furnished to the accused.
3. Fine Amount Rs.20,000/- not paid.
4. NBW issued against the accused.

***//sd.//R. Geetha, B.A.B.L.,
(FAC) JUDICIAL MAGISTRATE,
COONOOR.***

//True Copy//

***//sd.//R. Geetha, B.A.B.L.,
(FAC) JUDICIAL MAGISTRATE,
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