

APPR110003782024



**IN THE COURT OF THE I-ADDL. JUDICIAL MAGISTRATE OF I
CLASS, GIDDALUR**

Present : **Sri.K.Bharath Chandra,**
I-Addl. Judicial Magistrate of I Class

Thursday, this the 06th day of August, 2026.

DVC.No. 9 of 2024

Between :

Shaik Rabiya, W/o Shaik Neerukattu Kasim Vali, D/o Mohamad Shafi, aged about 26 years, Housewife, Resident of 7-80A, Thurimella Village, Cumbum Mandal, Prakasam District, now residing in her parents house at Anumalaveedu Village, Racherla Mandal, Prakasam District.
... **Complainant/Petitioner**

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1) Shaik Neerukattu Kasim Vali, S/o Masthan Vali, aged about 29 years, Resident of 7-80A, Thurimella Village, Cumbum Mandal, Prakasam District.

2) Shaik Neerukattu Masthan Vali, S/o Shaik Neerukattu Masthan, aged about 52 years, Cultivation, Resident of 7-80A, Thurimella Village, Cumbum Mandal, Prakasam District.

3) Shaik Neerukattu Kasim Bee, W/o Shaik Neerukattu Masthan Vali, aged about 47 years, Cultivation, Resident of 7-80A, Thurimella Village, Cumbum Mandal, Prakasam District.

4) Shaik Nallakalva Mabunni, D/o Shaik Neerukattu Masthan Vali, W/o Shaik Nallakalva Abdul Nabi, aged about 40 years, Housewife, Resident of 7-90A, Thurimella Village, Cumbum Mandal, Prakasam District.

5) Shaik Abdul Nabi, S/o Nallakalva Kasim Peera, aged about 47 years, Ex-Army, Resident of 7-90A, Thurimella Village, Cumbum Mandal, Prakasam District.

6) Shaik Kasim Bee, W/o Bikary, aged about 57 years, Housewife, Resident of 7-80A, Thurimella Village, Cumbum Mandal, Prakasam District.

... **Respondents**

This petition has come up on 04-08-2026 for final hearing before me in the presence of Smt N.Ahalya, learned counsel for Complainant/Petitioner, and Sri Shaik Yasin Basha, Sri Shaik Fazil and Sri Shaik Adil, learned counsel for Respondent No.1, and the case against respondents Nos. 2 to 6 was dismissed as not pressed by the petitioner and having stood over for consideration, and having perused the material and other circumstances available on record, till this day the Court made the following:-

:: ORDER ::

1. The Petitioner/Complainant has filed this petition under Section 12 r/w Section 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act, 2005 (herein after referred as “the Act” for the sake of brevity) for grant of the following reliefs:

a) Protection order under Section 18:

i. Restraining the respondents 1 to 6 from causing violence to the dependents, other relatives or any person who give the aggrieved person assistance from domestic violence.

b) Residence Order under section 19:

i. Directing the respondent no. 1 to secure same level of alternative accommodation for the aggrieved as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so required.

c) Monetary Relief under Section 20:

i. Directing the 1st respondent to pay Rs. 15,000/- (Rupees Fifteen Thousand) to the petitioner towards monthly maintenance for food, clothing and medicine etc.,

d) Compensation order under Section 22:

Directing all the respondents to pay compensation and to pass such other and appropriate orders as may be deemed fit and proper in the circumstances of the case.

2. The contention of the petitioner/Complainant is as follows:

(i) The complainant/petitioner states that she is the legally wedded wife of the 1st respondent. The marriage between the petitioner and the respondent no.1 was solemnized according to Muslim customs and rites. At the time of marriage, the petitioner's parents allegedly paid Rs.10,00,000/- in cash as dowry, presented 10 tulas of gold ornaments to the respondent no.1, and gifted household articles worth about Rs.1,00,000/-. After the marriage was consummated, the petitioner joined the respondent no.1 at the matrimonial home, where they lived happily only for about one month. Thereafter, the respondent no.1, along with his mother and sisters, allegedly subjected the petitioner to physical and mental cruelty by demanding additional dowry of Rs.5,00,000/- or one acre of agricultural land from her parents. It is further alleged that the respondent no.1 was addicted to alcohol, frequently assaulted the petitioner in a drunken state, and that his mother threatened to perform a second marriage for the respondent no.1 if the additional

dowry was not paid. Though the petitioner tolerated the harassment in the hope of preserving the marital relationship, the respondent no.1 and his family continued to ill-treat her, neglected to provide her with proper food and clothing, and ultimately drove her out of the matrimonial home. Despite the intervention of elders, the disputes could not be resolved. Since then, the petitioner has been residing with her parents without any independent source of income and is unable to maintain herself. It is further averred that the respondent no.1 owns Ac. 10.00 cents of agricultural land at Thurimella Village, valued at about Rs.50,00,000/-, besides three house plots at Hyderabad worth about Rs.20,00,000/-, and thus has sufficient means and financial capacity to maintain the petitioner. Despite possessing sufficient income and properties, the respondent no.1 has allegedly neglected and refused to provide any maintenance.

(ii) The petitioner further alleges that the 1st respondent neglected and deserted her, forcing her to live on the mercy of her parents. She seeks a protection order under Section 18 of the Protection of Women from Domestic Violence Act, a residence order under Section 19, maintenance of Rs 15,000/- per month for herself under Section 20, recovery of the dowry amount of Rs 10,00,000/- and gold ornaments, and compensation of Rs 10,00,000/- under Section 22, along with rent of Rs. 11,000/- per month if separate residence is not provided.

3.(i) On the other hand, the 1st respondent filed his counter admitting the relationship with the petitioner, denied all allegations of dowry demand, cruelty, harassment, neglect, and ill-treatment made by the petitioner. According to the respondent no.1, immediately after the marriage the petitioner joined him at the matrimonial home, but from the very beginning she was unwilling to lead marital life,

frequently picked up quarrels over trivial issues, abused the respondent no.1 and his family members in filthy language, and even assaulted the respondent no.1 with household articles. It is his specific case that when questioned about her conduct, the petitioner expressed that she had no interest in continuing the marriage and had married him only due to pressure from her parents. The respondent no.1 further contends that the petitioner voluntarily left the matrimonial home within one month of the marriage without informing him or his family members and subsequently lodged a false criminal complaint under Section 498-A IPC against him and his family members, resulting in the registration of a criminal case. It is further averred that the respondent no.1 made several sincere attempts through elders and mediators to reconcile and resume cohabitation, but the petitioner consistently refused to return or lead marital life with him. According to the respondent no.1, the petitioner deserted him without any justifiable cause and initiated false proceedings only to extract unlawful gain and therefore she is not entitled to any maintenance, protection, residence, compensation, and other necessary reliefs. Hence, respondent no.1 prays that the petition be dismissed with costs.

04. On behalf of the Petitioner/Complainant, Petitioner got examined herself as PW1 and no exhibits were marked on behalf of petitioner and on behalf of Respondent No.1, Respondent No.1 got examined himself as RW1 and no exhibits were marked on behalf of respondent No.1. Case against Respondents Nos. 2 to 6 was dismissed as not pressed by the petitioner.

05. The chief examination of the petitioner is much less equal to that of the allegations made in her petition and the assertions in the chief examination of 1st respondent are much less equal to that of

the respondent No.1 counter. Hence this court is of the opinion that there is no need to reiterate the chief examinations of the disputing parties once again.

06. Heard both sides. Perused the case record.

07. Now the points that arise for determination are:

- 1. Whether the petitioner is entitled to file Domestic violence case ?**
- 2. Whether there are any instances of alleged Domestic Violence, as defined under section 3 of the Act by 1st Respondent ?**
- 3. Whether the petitioner is entitled to claim as prayed for?**
- 4. To what relief?**

Answer to point 1:

08. For the applicability of the Act, the petitioner has to prove domestic relationship as defined under Section 2(f) and shared household as defined under Sec. 2(s) of the Act, 2005. The term 'domestic relationship' has to be read together with the term 'shared household'. The aggrieved person is said to have domestic relationship with the Respondents when she has shared the household with them.

09. Domestic relationship under **Section 2(f)** of the protection of women from Domestic Violence Act, 2005: **“domestic relationship”** means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

10. **Section 2(s)** of the Act defined **Shared household** as a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household.

11. Upon perusal of petition averments, counter and evidences on record, I found that there is no dispute about the marriage of petitioner with 1st respondent and also there is no dispute that petitioner has joined her husband in matrimonial home and stayed there for some period along with his family members. Hence, shared household and domestic relationship are proved between petitioner and 1st Respondent. Hence, the petitioner is entitled to file domestic violence case against 1st Respondent.

Answer to point 2:

12. Having answered Domestic relationship and shared household in favour of petitioner, the next question to determine is whether there are any instances of Domestic violence in hands of 1st Respondent. It is the case of petitioner that the 1st respondent and his family members started harassing the petitioner for not bringing additional dowry or Ac. 1.00 cents of land from her parents, humiliating her by using abusive language. The 1st respondent used to come home in a full drunken state and harassed the petitioner both mentally and physically for want of additional dowry of Rs. 5,00,000/-.

The 1st respondent family members also pressurized the petitioner for additional dowry otherwise they will perform 2nd marriage to the 1st respondent and as she could not meet their unholy demands, the 1st respondent and his family members, ill treated her and necked out her of their house. Many an effort for reconciliation made by way of panchayat by the parents of petitioner and elders also proved to be futile. Though respondent no.1 filed counter denying all the allegations and also cross-examined the petitioner at length, nothing could be discredited. Since the dispute is only a matrimonial dispute that occurred within four walls, no one can adduce evidence better than the petitioner herself. Hence, insisting the aggrieved party to produce strict proof of harassment is nothing but adding insult to her injury. As petitioner testified the instances of harassment in hands of 1st respondent and his family members, this court believes her version and also that she was neglected by her husband and in-laws without providing any maintenance when she was residing at her parents house. In the light of material placed, this court is of opinion that the 1st respondent has committed act of domestic violence on the petitioner. Thus, point 2 is also answered in favour of petitioner.

Answer to point 3:

Protection Order Under Section 18:

13. The petitioner claimed the relief of protection order under section 18 of the Act. Keeping in view that certain acts of domestic violence have been committed upon the aggrieved in the past which resulted in the present matter, and to further ensure safety and security of the aggrieved, I deem fit to pass a protection order in favour of the aggrieved whereby :

(i) the 1st respondent and his men are restrained from causing violence to the dependents, other relatives or any person

who give the aggrieved person assistance from domestic violence; and

(ii) the 1st respondent and his men are also restrained from committing any act of domestic violence, in any manner whatsoever, with the aggrieved until further orders. Any default in compliance of this order shall entail a liability under Section 31 of Protection of Women from Domestic Violence Act, 2005.

Residence order Under Section 19:

14. The petitioner has claimed this relief in her petition. She has asked for the relief of residential order by providing separate residence to the petitioner for her shelter. It is clear from the evidence on the record that petitioner is now residing at her parents house. Hence I deem fit to pass residence order in favour of the aggrieved whereby directing the 1st respondent to secure same level of alternative accommodation for the aggrieved as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so required.

Monetary Order Under Section 20:

15. In regard to the claim for return of Rs. 10,00,000/- allegedly given as dowry, 5 thulas of gold ornaments, allegedly given to the 1st respondent by the petitioner's parents at the time of marriage, the Court can direct such return only if there is specific, cogent, and credible evidence establishing the petitioner's ownership of the said ornaments. No documentary or other reliable evidence has been filed to prove the alleged dowry except oral say. Therefore, the claim for return of dowry, gold ornaments purportedly presented at the time of marriage stands rejected, as it is based solely on unsubstantiated allegations. Accordingly, the petitioner is not entitled to this relief.

16. In regard to the claim for monthly maintenance of Rs.15,000/- to the petitioner under Section 20 of the Act, it is true that such maintenance can be granted in addition to that awarded under Section 125 of the Criminal Procedure Code. However, the monetary relief under this provision must be adequate, fair, and reasonable, and consistent with the standard of living to which the aggrieved person is accustomed, while also taking into account the earning capacity and living standards of both parties. This Court has already granted maintenance of Rs. 7,000/- per month to the petitioner in M.C. No. 35 of 2022, considering the 1st respondent's capacity. Granting any further maintenance in this petition would cause hardship to the 1st respondent and confer an undue advantage upon the petitioner. Therefore, no further maintenance is granted in the present D.V.C., and this relief is accordingly answered against the petitioner.

Compensation order Under Section 22:

17. The petitioner has sought compensation for alleged mental and physical injuries. However, she has neither specified the nature of any physical injuries sustained nor produced any oral or documentary evidence to substantiate such claim. In the absence of proof of the alleged acts of injury, this relief fails for want of sufficient evidence. While the Protection of Women from Domestic Violence Act, being a social welfare legislation, envisages various protective and restitutive reliefs, including compensation, the aggrieved party must establish the acts of domestic violence by leading affirmative evidence. In the present case, the petitioner has failed to discharge this burden, leaving this Court with no option but to decline the relief sought.

18. As seen from the record, this Court finds no grounds to award compensation for physical injuries. While safeguarding the rights of women, the rights of men are equally important, and compensation cannot be granted mechanically as claimed by the petitioner without considering the facts and circumstances of each case. However, it is evident from the petitioner's pleadings, supported by evidence, that she has suffered mental torture due to the acts of the 1st respondent. Accordingly, the 1st respondent is directed to pay a sum of Rs. 10,000/- as one-time compensation to the aggrieved, which shall be recovered as fine in terms of Section 421 of the Criminal Procedure Code.

Answer to Point 4:

19. **In the result**, the petition is partly allowed with the following directions:

i. The 1st respondent and his men are restrained from causing violence to the dependents, other relatives or any person who give the aggrieved person assistance from domestic violence; and the 1st respondent and his men are also restrained from committing any act of domestic violence, in any manner whatsoever, on the aggrieved.

ii. The 1st respondent is directed to secure same level of alternative accommodation for the aggrieved as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so required.

iii. The 1st respondent is directed to pay a sum of Rs. 10,000/- as one time compensation to the aggrieved.

iv. The domestic violence case as regards the other reliefs against the 1st respondent stands dismissed.

20. Accordingly, the petition is disposed of.

Office is directed to mark a copy of this order to the Protection Officer, Station House Officer concerned within whose limits the applicant is residing for implementation of this order and also to serve this copy to the parties free of cost as per Section 24 of the Act.

Typed to my dictation by the Stenographer, corrected and pronounced by me in Open Court on this the 06th day of August, 2026.

Sd/- Sri K.Bharath Chandra,
I-ADDITIONAL JUDICIAL MAGISTRATE OF I CLASS,
GIDDALUR.

//APPENDIX OF EVIDENCE//

WITNESS EXAMINED

For Petitioner:-

PW1 : Shaik Rabiya

For Respondent no.1:-

RW1 : Shaik Neerukattu Kasim Vali

Exhibits Marked

For Petitioner:-

- Nil -

For Respondent no.1:-

- Nil -

Sd/- Sri K.Bharath Chandra,
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