

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Crl.MC.No.745 of 2015

**(MC NO.1/2015 OF THE JUDICIAL MAGISTRATE OF FIRST CLASS NO.I,
PERUMBAVOOR).**

PETITIONER/RESPONDENT NO.1:

**PHILJO VARUGHESE PHILIPS,S/O.P.VPHILIP,
AGED 35 YEARS,FLAT NO.101,PEARL HAVENS,
HAMZAKUNJU LANE,S.R.M.ROAD,KOCHI-682018.**

BY ADV.SRI.N.J.MATHEWS

RESPONDENTS/PETITIONERS:

- 1. IDA PHILJO PHILIPS,AGED 33 YEARS,
W/O.PHILJO VARUGHESE PHILIPS,
PRESENTLY RESIDING AT KALLARACKAL,
NEAR MARTHOMA WOMENS COLLEGE,
PERUMBAVOOR-683 542.**
- 2. AADIYA ANN PHILJO PHILIPS,
D/O.PHILJO VARUGHESE PHILIPS,
PRESENTLY RESIDING AT KALLARACKAL,
NEAR MARTHOMA WOMENS COLLEGE,
PERUMBAVOOR-683 542.**
- 3. STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,KOCHI-31.**

**R1-R2 BY ADV.SRI.MILLU DANDAPANI
R3 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-03-2015, ALONG WITH OP(Crl.).35/2015, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:**

pk

Crl.MC.No.745 of 2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE 1:TRUE A PHOTOCOPY OF THE SAID MC. NO.1 OF 2015 ON THE FILES OF THE JUDICIAL MAGISTRATE OF FIRST CLASS NO.1 PERUMBAVOOR.

ANNEXURE 2:TRUE PHOTOCOPY OF THE SAID CMP NO.8 OF 2015.

ANNEXURE 3:TRUE COPY OF THE INTERIM ORDER DATED 06.01.2015 PASSED IN CMP NO.8/15 OF THE JUDICIAL MAGISTRATE OF FIRST CLASS NO.1,PERUMBAVOOR.

ANNEXURE 4:TRUE COPY OF THE MC.5/2013 FILED BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE (EO) COURT,ERNAKULAM.

ANNEXURE 5:CERTIFIED COPY OF THE DEPOSITING OF THE 1ST RESPONDENT BEFORE THE FAMILY COURT,MUVATTUPUZHA IN M.C. NO.49/2014.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

.....
CRL. M.C. No.745 of 2015 &
O.P.(Crl) No.35 of 2015
.....

Dated this the 24th day of March, 2015

ORDER

Through this Crl.M.C. the petitioner has challenged the interim order passed by the court below for maintenance in an application filed under Section 23 of the Protection of Women from Domestic Violence Act, 2005 in the M.C. filed under Section 12 of the said Act. The matter has not been taken up in appeal. The petitioner ought to have either approached the court below under Section 25, or preferred an appeal under Section 28 of the said Act as against the impugned order. When those courses are open to the petitioner, this Crl.M.C. is not maintainable.

2. Over and above all these, it seems that the court

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-: 2 :-

below has passed the final order in the matter vide order dated 06.03.2015. If at all the petitioner is aggrieved by the said order, it is open to him to have recourse to Section 25 or to file an appeal under Section 29 of the said Act. Matters being so, this Crl.M.C is only to be dismissed, and I do so.

In the result, this Crl.M.C is dismissed. In view of final order dated 06.03.2015 passed by the court below in the matter, the O.P.(Crl.) has become infructuous and the same is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge