

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Cri.MC.No. 5214 of 2015 ()

AGAINST ORDER IN CMP.7322/2014 OF JFCM, KAYAMKULAM

PETITIONER(S)/3RD RESPONDENT:

SANDHYA
W/O.MANOJ, THEKKEMANKUZHI MURI, BHARANICKAVU VILLAGE
PULLIKKANANKU PO, KAYAMKULAM-690 537.

BY ADVS.SRI.M.G.SREEJITH
SRI.ASHOK SURESH

RESPONDENT(S)/PETITIONER/RESPONDENTS 1 & 2/ STATE:

1. SREELAKSHMI
W/O.GIREESH, GIREESH SADANAM, THEKE MANKUZHY MURI
BHARANIKAVU VILLAGE, PULLUKKANANKU PO
KAYAMKULAM-690 537.
 2. GIREESH
S/O.PARAMESWARAN PILLAI, GIREESH SADANAM
THEKE MANKUZHY MURI, BHARANIKAVU VILLAGE
PULLUKKANANKU PO, KAYAMKULAM-690 537.
 3. CHANDRIKA
W/O.PARAMESWARAN PILLAI, GIREESH SADANAM
THEKE MANKUZHY MURI, BHARANIKAVU VILLAGE
PULLUKKANANKU PO, KAYAMKULAM-690 537.
 4. THE SUB INSPECTOR OF POLICE
VALLIKUNNAM POLICE STATION
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.
- R2 & 3 BY ADV. SRI.ABDUL JALEEL ONATH
R1 BY ADV. SRI.A.K.HARIDAS
R BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5214 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : TRUE COPY PETITION FILED BY THE 1ST RESPONDENT UNDER SECTIONN 12 OF DOMESTIC VIOLENCE ACT.

ANNEXURE A2 : THE TRUE COPY OF OBJECTION FILED BY THE PTITIONER AND RESPONDENTS 2 AND 3.

ANNEXURE A3 : TRUE COPY OF THE ORDER DATED 21-10-2014.

RESPONDENT(S)' EXHIBITS : NIL

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.5214 of 2015 D
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Dated this the 21st day of December, 2015

O R D E R

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Heard learned counsel for the petitioner and learned counsel for the 1st respondent.

2. What is under challenge is Annexure-A3 order alleging domestic violence. The 1st respondent herein has approached the court below through MC.131/2014. Vide Annexure-A3 order under Section 23(2) of the Protection of Women from Domestic Violence Act, 2005, the court below has passed an order to the following effect:-

“The respondents are hereby restrained from causing any physical or mental torture towards the petitioner.”

According to the petitioner, she is the sister of the 2nd respondent and she is being harassed and tortured by the misuse of such an order by the 1st respondent herein.

3. Such apprehension is out of place. When it has been alleged that the 1st respondent was being tortured and harassed physically and mentally, the court below has passed the above said order. The argument that the order should be specific, does not assume any importance at all as far as the present order is concerned.

4. Over and above all these, in case of any challenge on the said order, the petitioner could have filed an appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005. In case of grievance on the part of the petitioner with regard to Annexure-A3, it is open to the petitioner to file an appeal.

With liberty to the petitioner to have recourse to such proceedings, this Crl.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/21/12

// True Copy //

PA to Judge