

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Cr1.MC.No. 7741 of 2015 ()

M.C.NO.188/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, KASARAGOD

PETITIONER(S)/RESPONDENTS:

1. GULAM MOIDEEN, AGED 71 YEARS
S/O.ABDUL KHADER, RESIDING AT 'FATHIMA MAHAL'
PADAKKODI HOUSE, KULUR VILLAGE, KULUR POST
MANGALORE-13 D.K.
2. AYISHA BEGUM, AGED 65 YEARS
W/O.GULAM MOIDEEN, RESIDING AT 'FATHIMA MAHAL'
PADAKKODI HOUSE, KULUR VILLAGE, KULUR POST
MANGALORE-13 D.K.
3. ZERENA BANU, AGED 35 YEARS
W/O.SAJJAD, RESIDING AT 'FATHIMA MAHAL'
PADAKKODI HOUSE, KULUR VILLAGE, KULUR POST
MANGALORE-13 D.K., KARNATAKA.

BY ADVS.SRI.M.SASINDRAN
SRI.P.K.SUBHASH

RESPONDENT(S)/COMPLAINANT:

1. MEHRUNNISSA P.M, AGED 31 YEARS
W/O.GULAM ABDUL NIZAR, RESIDING AT CHISTHIYA MANZIL
PERINGADY, MANGALPADY P.O., UPPALA VILLAGE
KASARAGOD DISTRICT-671324.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7741 of 2015 ()

APPENDIX

PETITIONER' (S) ANNEXURES:

ANNEXURE AI COPY OF THE APPLICATION FILED BY THE RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-I,
KASARAGOD UNDER SECTION 12 OF THE PROTECTION OF
WOMEN FROM DOMESTIC VIOLENCE ACT

ANNEXURE AII COPY OF THE COUNTER FILED BY THE PETITIONERS

RESPONDENT' (S) ANNEXURES: NIL

//TRUE COPY//

PA TO JUDGE

bka/-

P. UBAID, J.

Crl. M.C. No. 7741 of 2015

Dated this the 10th day of December, 2015

ORDER

The petitioners herein are the respondents 2 to 4 in MC No.188/2013 of the Judicial First Class Magistrate-I, Kasargod. They seek orders quashing the said proceeding brought under Section 12 of the Protection of Women from Domestic Violence Act (For short, "the DV Act") on the ground that the claimant does not have any domestic relationship with them, that the claimant has never shared any household with them, and the claimant is not entitled to get any relief as against them. These are all matters to be looked into and decided by the trial court. This Court cannot intrude into the jurisdiction of the court below and decide the issues under Section 482 of the Cr.P.C. In fact, this Court has recently settled the legal position that proceedings brought under the DV Act cannot be quashed under Section 482 of the Cr.P.C. The

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DV Act is a self contained Act, providing certain remedies to aggrieved persons, and also prescribing the procedure, including right of appeal. In certain cases, the aggrieved persons can even file revision petition under Section 397 of the Cr.P.C. This position stands recently settled. The petitioners cannot be granted relief under Section 482 of the Cr.P.C. Whatever be their grievance, or whatever be their defence in the proceeding brought against them, the petitioners will have to agitate it before the learned Magistrate, and all the disputes will be appropriately heard, adjudicated and decided by the learned Magistrate. This Court cannot intrude into that process.

In the result, the Crl.M.C. is dismissed in limine without being admitted to files.

Sd/-
P. UBAID
JUDGE

bka/-