

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936**

**Crl.MC.No. 6664 of 2014**  
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**MC 59/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, CHENGANNUR**  
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**PETITIONER(S):**  
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1. **AJIKUMAR, 40 YEARS,  
S/O.SREEDHARAN, KIDANGIL HOUSE,  
KUTTANPEROOR P.O., MANNAR,  
ALLEPPEY DISTRICT.**
2. **VISALA @ SMITHA, 28 YEARS,  
W/O.AJIKUMAR, KIDANGIL HOUSE,  
KUTTANPEROOR P.O., MANNAR,  
ALLEPPEY DISTRICT.**
3. **AJAYAKUMAR, 37 YEARS,  
S/O.SREEDHARAN, VIJAYABHAVANAM,  
PERNGALAPURAM P.O., ENNACKADU,  
MANNAR, ALLEPPEY DISTRICT.**
4. **ARUNNYA, 30 YEARS,  
W/O.AJAYAKUMAR, VIJAYABHAVAN,  
PERINGALAPURAM P.O., ANNACKADU,  
MANNAR, ALLEPPEY DISTRICT.**

**BY ADV. SRI.N.N.SASI**

**RESPONDENT(S):**  
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1. **STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA.**
2. **SOBHA VIJAYAKUMAR, 39 YEARS,  
W/O.VIJAYAKUMAR, VIJAYABHAVAN,  
PERINGALAPURAM P.O., 689 624,  
ANNACKADU, MANNAR, ALAPPUZHA.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS  
R2 BY ADV. SRI.P.VINODKUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
03-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**

**ANNEXURE A: TRUE COPY OF THE JUDGMENT IN OS.NO.58/11 ON THE FILE OF  
MUNSIFF COURT, CHENGANNUR DATED 19.12.2011.**

**ANNEXURE B: TRUE PHOTO COPY OF THE TAX RECEIPT NO.3753987 DTD.15.11.2014.**

**ANNEXURE C: TRUE PHOTOCOPY OF THE RECEIPT NO.1685589 OF BUDHNUR  
GRAMA PANCHAYAT DTD.29.10.2014.**

**ANNEXURE D: TRUE COPY OF THE COMPLAINT IN M.C.NO.59/14 DTD.27.3.2014 OF  
J.F.M.C., CHENGANNUR.**

**ANNEXURE E: TRUE COPY OF THE PASSPORT NO.22179055 OF THE THIRD  
PETITIONER.**

**RESPONDENT(S)' ANNEXURES:**

**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

Msv/

**B.KEMAL PASHA, J.**

.....  
CRL. M.C. No.6664 of 2014  
.....

Dated this the 3<sup>rd</sup> day of February, 2015

**ORDER**

Petitioners are respondents in M.C.No.59/2014 of the Judicial First Class Magistrate's Court-I, Chengannur filed by the 2<sup>nd</sup> respondent herein as petitioner under Section 12 of the Protection of Women from Domestic Violence Act, seeking an order of protection from domestic violence and also for getting opened the room at the first floor portion of the upstairs of the building locked by the petitioners herein.

2. The case of the petitioners is that the 2<sup>nd</sup> respondent herein has averred in the petition that she was abused and her movable properties were thrown out by the petitioners herein on 15.05.2014 and on that particular day, one of the petitioners herein was abroad and therefore, the

petition is not maintainable.

3. Heard learned counsel for the petitioners and the learned counsel for the 2<sup>nd</sup> respondent.

4. On a perusal of the complaint it seems that already there were proceedings under the said Act and clandestinely the petitioners prevailed upon the 2<sup>nd</sup> respondent to get those proceedings withdrawn and finally she had withdrawn those proceedings. When again she was harassed and threatened and the room in which she was residing was locked by force, she had to approach the court below once again through the present proceedings. It seems that there is a *prima facie* case for the 2<sup>nd</sup> respondent in the matter. All these petitioners are hand in gloves and have turned against the 2<sup>nd</sup> respondent by taking the opportunity that the husband of the 2<sup>nd</sup> respondent is not here as he is working abroad.

5. It is the case of the 2<sup>nd</sup> respondent that the said building was constructed by the husband of the 2<sup>nd</sup>

respondent and his mother was permitted to reside there. Under the guise of visiting the mother, other petitioners have gained entry into the house and now it seems that the 2<sup>nd</sup> respondent is virtually thrown out of the building. I do not find any reason to quash the proceedings pending before the court below. The court below shall look into the matter, consider the matter on merits and shall pass appropriate orders, as expeditiously as possible.

With the above said observations, this Crl.M.C. is dismissed.

**Sd/- B.KEMAL PASHA, JUDGE**

ul/-

[True copy]

P.S. to Judge