

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

OP(Crl.).No. 100 of 2015 (Q)

**-----
(CMP.NO.1578/2015 & CMP.NO.1586/2015 IN M.C.NO.49/2014 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, THRISSUR)
-----**

PETITIONER/1ST RESPONDENT :

**-----
BOSCO,
VADAKKAN HOUSE, NEAR PALLATH TEMPLE,
ANTHIKKAD, THRISSUR.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S)/PETITIONER & STATE :

-
- 1. ROSHY,
29/24, VADAKKAN HOUSE, PALLATH TEMPLE NER,
ANTHIKKAD, THRISSUR, NOW RESIDING AT CHIYARATH HOUSE,
KUTTY CENTRE, THANAVEETHI, MULLASSERY, THRISSUR-680 509**
 - 2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 021**

R2 BY GOVERNMENT PLEADER SRI.JIBU P. THOMAS

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(CR).NO.100/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER IN M.C.NO.49/2014 DATED 14/01/2015 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO.II, THRISSUR**
- P2 COPY OF THE CMP.NO.1578/15 IN M.C.NO.49/2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO.II, THRISSUR**
- P3 COPY OF THE PETITION IN CMP.NO.1586/15 IN M.C.NO.49/2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO.II, THRISSUR**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B.KEMAL PASHA, J.

=====

O.P.(Crl) No.100 of 2015

=====

Dated this the 25th day of March, 2015

J U D G M E N T

What is under challenge in this matter is an order passed by the Judicial First Class Magistrate's Court-II, Thrissur in M.C.No.49 of 2014 under Section 12 of the Protection of Women from Domestic Violence Act, 2005. It seems that the present petitioner herein was the 1st respondent in the matter before the court below. He was set exparte along with other respondents, and an exparte order has been passed.

2. Even though petitions have been filed before the court below under Section 25(2) of the said Act, it is doubtful whether the said applications are maintainable as the said provision deals with change of circumstances. At the same

time, an appeal under Section 29 of the said Act is perfectly maintainable on the said order.

When the said course is open to the petitioner, this Original Petition (Criminal) is disposed of by directing the petitioner to have recourse by way of an appeal in the matter.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/25/3/15