

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

OP(Crl.).No. 200 of 2015 (Q)

**C.M.P.NO.14396/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
HOSDRUG**

PETITIONER(S) :

- 1. P.DAMODARAN, AGED 39 YEARS,
S/O.KARIPPADAKKAN KUNHAMBU, RESIDING AT RAVANESWARAM,
CHITHARI VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT,
P.O.RAVANESWARAM-671 316.**
- 2. KARIPADAKKAN KUNHAMBU, AGED 68 YEARS,
S/O.A.KELU NAIR, RESIDING AT RAVANESWARAM,
CHITHARI VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT,
P.O.RAVANESWARAM-671 316.**

**BY ADVS.SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.A.S.SREEKANTH**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. PREETHA.M., AGED 38 YEARS,
D/O.E.KRISHNAN NAIR, RESIDING AT AYAROTT,
KODOM VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT,
P.O.PADIMARATHU-671 531.**

R1 BY GOVERNMENT PLEADER SRI.DHANESH MATHEW MANJOORAN

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

OP(Crl.).No. 200 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE C.M.P NO.14396/2014 ON THE FILE OF
THE JFCM COURT NO.-I.**

**EXHIBIT P2: TRUE COPY OF THE NOTICE DATED 17.12.2014 ISSUED TO
THE 1ST PETITIONER BY THE JFCM COURT NO.I, HOSDURG.**

**EXHIBIT P3: TRUE COPY OF THE ORDER DATED 01.06.2013 IN CMP NO.9093/12
ON THE FILE OF THE JFCM COURT NO.I, HOSDURG.**

**EXHIBIT P4: TRUE COPY OF A PETITION WITH AFFIDAVIT FOR AN INTERIM
RELIEF IN EXHIBIT P1.**

**EXHIBIT P5: TRUE COPY OF THE COUNTER DATED 31.01.2015 TO
THE EXHIBIT P4.**

**EXHIBIT P6: TRUE COPY OF THE ORDER DATED 16.03.2015 IN EXHIBIT P4 OF
THE JFCM COURT NO.I, HOSDURG.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.

O.P.(Crl.) No.200 of 2015

Dated this the 9th day of July 2015

J U D G M E N T

Petitioners are respondents 2 and 3 in CM.P. No.14397 of 2014 on the file of the Judicial First Class Magistrate Court-I, Hosdurg, which apparently was filed in a petition filed under Sec.12 of the Protection of Woman from Domestic Violence Act. They filed an objection with a prayer that their names may be deleted from the party array. They attacked the maintainability of the petition as against them. It is submitted that the learned Magistrate has not passed an order so far.

2. Heard.

3. The petitioners before this court are not members of the family of the 1st respondent. The maintainability of the proceedings as against them should be heard as a preliminary point by the learned Magistrate.

4. In the result this O.P. is disposed of with a

direction to the learned Magistrate to hear the question of maintainability of the petition as against respondents 2 and 3 in the proceedings in the lower court, if possible within one month from the date of receipt of a copy of this judgment.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS

P.A. To Judge