

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 1881 of 2013

Order:

This Criminal Revision Case is directed against the orders, dated 03.09.2013, passed by IV Metropolitan Magistrate, Hyderabad, in CrI.MP No. 1222 of 2012 in DVC No. 336 of 2012, whereby and whereunder the learned Magistrate granted interim residence order under Section 23(1) of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act') directing that the second respondent-wife should be accommodated in one of the rooms of her shared household.

2. This Court, on 06.09.2013, while admitting the revision case, has granted interim suspension of the impugned order subject to condition of the petitioner-husband paying Rs.500/- per month to the second respondent-wife towards rent in lieu of providing shared house accommodation.

3. The facts of the case, in brief, are that the marriage between the petitioner-husband and the second respondent-wife was held on 02.06.2010 and it is stated that they lived together hardly for about four months. During that period it is submitted that the second respondent-wife was conceived and subsequently she was blessed with a daughter. On 09.03.2012 the second respondent-wife filed a complaint under Section 498-A IPC against the petitioner-husband and others and they were prosecuted for the said offence. The second respondent-wife also filed DVC No.336 of 2012 seeking different reliefs and one of them is for grant of residence order in her shared household in which she lived for some time with the petitioner-husband.

4. It is not in dispute that the entire house consists of four rooms and in the said house the petitioner-husband, his parents and his another brother with his family are

living. The second respondent-wife wants to live in one of the rooms of the said house, but this, according to the petitioner-husband, is not possible since the house is not sufficient to accommodate three families. It is further submitted that in view of pendency of several cases and in view of hostile relationship between the second respondent-wife and the family of the petitioner-husband, it will not be proper for the second respondent-wife to live along with the family of the petitioner-husband in the same house.

5. While considering the petition under Domestic Violence Act, what is required to be seen is as to how best protection can be afforded to the wife who is said to be the victim in the hands of her husband. In the instant case, the house consists of only four rooms and in the said house the petitioner-husband, his parents and his brother with his family are living. It is also a fact that criminal cases are lodged by the second respondent-wife against the petitioner-husband and his family members. In the circumstances, I am of the view that it will not be safe for the second respondent-wife to live in the same house, which is having only one entrance and not having any independent location. As per Section 19(f) of the Act, the Court may, on being satisfied that domestic violence has taken place, pass a residence order directing the husband to secure same level of alternate accommodation for the aggrieved person/wife as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require. This is a case where the circumstances require that the second respondent-wife should be provided with an alternative accommodation by the petitioner-husband, which is just and necessary for stay of herself and her daughter, or, in lieu thereof, to pay rent of Rs.1,000/- per month to her.

6. In that view of the matter, pending DVC No.336 of 2012, the petitioner-husband is directed either to provide alternative accommodation to the second respondent-wife or to pay rent of Rs.1,000/- (Rupees One Thousand only) per month to her without fail.

7. With the above said modification, the Criminal Revision Case is disposed of. However, the learned Magistrate is directed to dispose of DVC No.336 of 2012 as expeditiously as possible, preferably within a period of two (2) months from the date

of receipt of a copy of this order.

8. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 03.11.2015

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