IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP(CRL.) NO. 251 OF 2025

MC NO.43 OF 2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS I, PERUMBAVOOR

PETITIONERS/2ND AND 3RD RESPONDENTS IN M.C.:

1 HARIKUMAR
AGED 71 YEARS
S/O. PADMANABHA PILLAI, SOUTH AKAMBILLY HOUSE,
PERUMBAVOOR P.O., ERNAKULAM DISTRICT, PIN - 683542

2 M.T.CHANDRIKA
AGED 68 YEARS
W/O. HARIKUMAR, SOUTH AKAMBILLY HOUSE, PERUMBAVOOR
P.O., ERNAKULAM DISTRICT, PIN - 683542

BY ADVS.
T.B.HOOD
M.ISHA

RESPONDENTS/PETITIONERS & 1ST RESPONDENT IN MC:

1 ATHULYA SIVAN
AGED 27 YEARS
W/O. ANAND HARIKUMAR AND D/O. K.SIVASANKARAN NAIR,
NOW RESIDING AT KAILAS BHAVAN, IRINGOLE P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT, PIN - 683545

2 UTHRA @ SIVADA ANAND,
AGED 2 YEARS
D/O. ANAND HARIKUMAR AND ATHULYA SIVAN, MINOR
REPRESENTED BY HER MOTHER ATHULYA SIVAN,
NOW RESIDING AT KAILAS BHAVAN, IRINGOLE P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT, PIN - 683545

3 ANAND HARIKUMAR,
AGED 33 YEARS
S/O. HARIKUMAR, SOUTH AKAMBILLY HOUSE,
PERUMBAVOOR P.O., ERNAKULAM DISTRICT, PIN - 683542

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C. JAYACHANDRAN, J.

O.P.(Crl.) No.251 of 2025

Dated, this the 10th day of April, 2025

JUDGMENT

The petitioners are respondents no.2 and 3 in M.C. no.43/2022 pending before the Judicial First Class Magistrate Court-I, Perumbavoor. The petitioners seek expeditious disposal of the said M.C.

2. Heard the learned Counsel for the petitioners.

3. It was pointed out that as early as on 13.10.2023, the matter has been posted for evidence, as could be seen from Ext.P5 copy of the proceedings, on which date, the respondents herein sought for time to adduce evidence. Thereafter, on 30.10.2023, again the respondents sought for time and the case was adjourned for evidence. Certain interlocutory applications were filed thereafter and the

intermittent postings were in respect of adjudication of those applications. Thereafter, on 18.01.2025 also, the respondents sought time for evidence. Ultimately, on 22.02.2025, the respondents were absent and there was no representation. Learned Counsel would point out that the petitioners are senior citizens aged 71 and 68 years respectively. According to the learned Counsel, the matter deserves expeditious disposal.

4. Although, this Court notice that the matter which is sought to be expedited is of the year 2022, this Court also takes into account the fact that the proceedings in question is an M.C. under the Protection Of Women From Domestic Violence Act, 2005. The High Court, by its O.M., has recognised priority to senior citizens in the matter of speedy disposal.

5. In the circumstances, there will be a direction to the learned Magistrate to try and pass orders in M.C. no.43/2022, as expeditiously as possible, taking into

account the fact that the petitioners are senior citizens.

The Original Petition (Criminal) is disposed of as above.

Sd/-

C. JAYACHANDRAN

JUDGE

SKP/10-04

APPENDIX OF OP(CRL.) 251/2025

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE APPLICATION DATED 22.11.2022 FILED BEFORE THE JUDICIAL MAGISTRATE OF FIRST CLASS – 1, PERUMBAVOOR BY THE 1ST RESPONDENT HEREIN ON 24.11.2022 AS M.C.NO.43/2022 UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005**
EXHIBIT P2	**TRUE COPY OF AFFIDAVIT DATED 24.11.2022 FILED BEFORE THE JUDICIAL MAGISTRATE OF FIRST CLASS – 1, PERUMBAVOOR BY THE 1ST RESPONDENT HEREIN ALONG WITH EXT.P1 APPLICATION**
EXHIBIT P3	**TRUE COPY OF COUNTER AFFIDAVIT DATED 11.01.2023 FILED BY THE RESPONDENTS IN CMP NO.4470/2022 IN M.C.NO.43/2022**
EXHIBIT P4	**TRUE COPY OF THE ORDER DATED 14.10.2024 IN CMP NO.3194/2024 IN M.C.NO.43/2022 OF THE JUDICIAL MAGISTRATE OF FIRST CLASS – 1, PERUMBAVOOR**
EXHIBIT P5	**TRUE COPY OF THE PROCEEDINGS IN M.C.NO.43/2022 OF THE JUDICIAL MAGISTRATE OF FIRST CLASS – 1, PERUMBAVOOR FROM 15.09.2023 TILL 24.02.2025**

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.A. TO JUDGE