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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12-11-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP Nos.5203 and 5205 of 2024

CNR: {HCMA012260692024}

Case QR

CRP No.5203 of 2024:

1. Manoharan
2. Sakunthala

..Petitioner(s)

Vs

Gokula Priya

..Respondent(s)

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the entire records in connection with the CA No.33/2023 on the file of the Additional Sessions Judge, Krishnagiri and set aside the judgment passed by Learned Additional Sessions Judge, Krishnagiri dated 05.07.2024 in CA No.33/2023 confirmed the judgment passed by the learned Judicial Magistrate Additional Mahila Court, Krishnagiri in DVC No.64/2019 dated 21.02.2023.

For Petitioner(s): :Mr.V.Paarthipan
for A.Sahanaj Khanam

For Respondent(s): :Mr.T.S.Baskaran

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CRP No.5205 of 2024:

Vijaymanjunath

..Petitioner(s)

Vs

Gokula Priya

..Respondent(s)

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the entire records in connection with the CA No.13/2023 on the file of the Additional Sessions Judge, Krishnagiri and set aside the judgment passed by Learned Additional Sessions Judge, Krishnagiri dated 05.07.2024 in CA No.13/2023 confirmed the judgment passed by the learned Judicial Magistrate Additional Mahila Court, Krishnagiri in DVC No.64/2019 dated 21.02.2023.

For Petitioner(s): :Mr.V.Paarthipan
for A.Sahanaj Khanam

For Respondent(s): :Mr.T.S.Baskaran

C O M M O N O R D E R

These two revision petitions are filed by husband and parents-in-law of the respondent/wife challenging the order passed by the learned Magistrate granting residential order in favour of the respondent as confirmed by the Additional Sessions Judge, Krishnagiri in appeal.

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2. The respondent/wife filed Domestic Violence Case against the petitioners seeking residential order and protection order under the provisions of the Protection of Women from Domestic Violence Act, 2005. According to the respondent, marriage between her and the petitioner in CRP.No.5205 of 2024 has been solemnised on 14.02.2013, she lived with her husband in the matrimonial home situated at Bangalore. Alleging harassment and domestic violence, the respondent filed Domestic Violence Case against the petitioners seeking residential order and protection order. The learned Magistrate on enquiry found that the respondent was entitled to residential order in respect of the residential house situated at Bangalore. He also passed a protection order restraining the petitioners and other respondents in Domestic Violence Case from harassing the respondent by words and acts. Thus the residential order and protection order have been passed under Sections 18 and 19 of the Protection of Women from Domestic Violence Act, 2005. As far as the prayer for maintenance is concerned, the petition was dismissed. Aggrieved by the residential and protection orders passed by the learned Magistrate, the petitioners filed appeals before the Appellate Judge namely, Additional Sessions Judge, Krishnagiri. The said appeals were dismissed by the Appellate Judge by confirming the findings of the learned Magistrate. Aggrieved by the same, the petitioners have filed these revision petitions.

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3. Though very many grounds are raised in the memorandum of Civil Revision, at the time of arguments, Mr.V.Parthiban, learned counsel for the petitioners confined his arguments regarding the jurisdiction of Court to pass residential order. According to him, the house is situated at Bangalore outside the territorial limits of the Magistrate and therefore the order passed by learned Magistrate granting residential order in respect of the house situated outside his territorial limits is without jurisdiction. In support of the said contention, the learned counsel for the petitioners relied on the judgment of ***Madhya Pradesh High Court in Dr.Hitesh Vs. Dr.Smt.Pritibala*** reported in ***2023 Law Finder (MP) 5263***.

4. Per contra, Mr.T.S.Baskaran, learned counsel appearing for the respondent by drawing the attention of this Court Section 27 (2) of the Protection of Women from Domestic Violence Act, 2005 would submit that the order passed by Magistrate is enforceable throughout India and therefore, there is no jurisdictional error in passing the residential order. In support of his contention, he relied on the judgment of the Apex Court in ***Shyamlal Devda and others Vs. Parimala*** reported in ***(2020) 3 SCC 14***.

5. Section 27 of the Protection of Women from Domestic Violence Act, 2005 defines the jurisdiction of the Judicial Magistrate with regard to the orders

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to be passed under Domestic Violence Act, which reads as follows:

27. Jurisdiction

(1) The Court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which:

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen,

shall be the competent Court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made under this Act shall be enforceable throughout India.

6. Section 14 of Cr.P.C defines the local jurisdiction of Judicial Magistrates which reads as follows:

14. Local Jurisdiction of Judicial Magistrates.

(1) Subject to the control of the High Court, the Chief Judicial Magistrate may, from time to time, define the local limits of the areas within which the Magistrates appointed under

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section 11 or under section 13 may exercise all or any of the powers with which they may respectively be invested under this Code :[Provided that the Court of a Special Judicial Magistrate may hold its sitting at any place within the local area for which it is established.]

(2) Except as otherwise provided by such definition, the jurisdiction and powers of every such Magistrate shall extend throughout the district.

(3) Where the local jurisdiction of a Magistrate, appointed under section 11 or section 13 or section 18, extends to an area beyond the district, or the metropolitan area, as the case may be, in which he ordinarily holds Court, any reference in this Code to the Court of Session, Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall, in relation to such Magistrate, throughout the area within his local jurisdiction, be construed, unless the context otherwise requires, as a reference to the Court of Session, Chief Judicial Magistrate, or Chief Metropolitan Magistrate, as the case may be, exercising jurisdiction in relation to the said district or metropolitan area.

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7. Section 14 of Criminal Procedure Code only defines the local jurisdiction of Judicial Magistrate. However, the Magistrate draws his power to pass protection order or other orders under the provisions of the Protection of Women from Domestic Violence Act, 2005, only under Section 27 of Domestic Violence Act. In other words, Section 14 of Criminal Procedure Code only talks about the territorial limits of his jurisdiction whereas Section 27 of the Domestic Violence Act talks about jurisdiction of the Magistrate as to subject matter namely his powers under the provisions of the Protection of Women from Domestic Violence Act, 2005.

8. A perusal of Section 27 of the Protection of Women from Domestic Violence Act, 2005 would indicate that the Magistrate has got power to entertain the complaint and pass protection order or other orders under the Domestic Violence Act in case the person aggrieved permanently or temporarily resides or carries on business or is employed within his territorial limits or if the respondent resides or carries on business or is employed or if the cause of action has arisen within his territorial limits.

9. In the case on hand, the aggrieved person namely the respondent resides within the territorial limits of Magistrate and hence he has got jurisdiction to entertain the complaints preferred by the respondent under the provisions of the Protection of Women from Domestic Violence Act, 2005, seeking residential order and protection order.

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10. Section 27(2) of the Protection of Women from Domestic Violence Act, 2005 would make it clear that any order passed by the Magistrate under the Protection of Women from Domestic Violence Act, 2005 shall be enforceable throughout India. A plain reading of that Section makes it clear that the order passed by the learned Magistrate is enforceable throughout India and therefore, he is entitled to grant residential order in respect of house or residence situated outside the territorial limits. For the purpose of defining the jurisdiction, only the place of the aggrieved party or place of the respondent or place of cause of action are relevant and the place of the residence in respect of which residential order is passed is not relevant.

11. In the light of plain language of Section 27(2) of the Protection of Women from Domestic Violence Act, 2005. I do not find any jurisdictional error or infirmity in the order passed by the learned Magistrate. Hence, the submission made by the learned counsel for the petitioners is repelled and the Civil Revision Petitions are dismissed. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Additional Sessions Judge, Krishnagiri.

2.The Judicial Magistrate Additional Mahila Court, Krishnagiri.

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S.SOUNTHAR, J.

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