



RESEARCH QUESTION

"What protections does the Protection of Women from Domestic Violence Act, 2005 provide, including protection orders, residence orders, and monetary relief, who can complain and against whom, and how does the process before the Magistrate work?"

Statutory Protections, Locus Standi, and Procedural Framework under the Protection of Women from Domestic Violence Act, 2005

TL;DR

The Supreme Court in *Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors.* (2016) struck down the gender-restrictive words "adult male" from the definition of "respondent" under Section 2(q), thereby ensuring that any individual—regardless of gender—who commits domestic violence against a woman in a shared household can be legally pursued. The Act provides comprehensive civil remedies, including protection orders, residence orders, and monetary relief, through a summary procedure handled by the Judicial Magistrate. Any woman who has ever lived in a shared household with the respondent can complain, and the process initiates directly via an application under Section 12, without the mandatory requirement of a prior domestic incident report or formal criminal cognizance.

VERIFIED CASES	STATUTES	LATEST RULING
25	4	2025
20 High Courts · 5 SC		Patna High Court

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 No subsisting relationship is required at the time of filing

An aggrieved woman does not need to have a currently active domestic relationship or be residing in the shared household when she files the petition, as long as she has cohabited with the respondent at any point in the past, as confirmed in *Prabha Tyagi v. Kamlesh Devi* (2022).

02 Female relatives of the husband are competent respondents

A wife or a female partner in a relationship in the nature of marriage can seek protective reliefs directly against both male and female relatives of her husband or partner under the Act, as clarified in *Kusum Lata Sharma v. State* (2011).

03 Shared household rights override summary eviction procedures

The statutory right of a woman to reside in her shared household under Section 17 cannot be bypassed or defeated by senior citizens using the summary eviction machinery under the Senior Citizens Act, 2007, as established in *Smt. S. Vanitha v. The Deputy Commissioner, Bengaluru Urban District & Ors.* (2020).

04 Civil-nature rules govern procedural amendments

Because the reliefs under the Act are civil remedies for a civil wrong, Magistrates possess the inherent power to permit amendments to Section 12 petitions to prevent multiplicity of litigation, as held in *Kunapareddy @ Nookala Shanka Balaji v. Kunapareddy Swarna Kumari* (2016).

05 Section 12 petitions are not criminal complaints

An application under Section 12 is a civil-remedial proceeding, meaning the Magistrate is not required to take formal criminal cognizance or record preliminary statements under Section 200 of the CrPC before issuing notice, as established in *Prashat Kumar v. State of Bihar* (2025).

06 Domestic Incident Reports are not pre-requisites for interim reliefs

While a Domestic Incident Report (DIR) must be considered if already received, the Magistrate is not legally bound to call for or wait for a DIR before issuing a notice or granting ex-parte interim maintenance, as ruled in *Monjit Talukdar v. Rita Talukdar* (2021).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION

The Apex Court has clarified that while domestic violence proceedings are predominantly civil, the forums designated to handle them are Criminal Courts (Magistrates). Consequently, High Courts retain the jurisdiction to quash such proceedings under Section 482 of the CrPC or Section 528 of the BNSS, though this power must be exercised with extreme caution to protect vulnerable victims, as articulated in *Shaurabh Kumar Tripathi v. Vidhi Rawal* (2025).

**HIGH COURT
VARIATIONS**

- **Delhi High Court:** Confirmed that dissolution of marriage through divorce does not bar a woman from pursuing statutory reliefs for domestic violence that occurred during the subsistence of the relationship, as decided in *Nazia Habeeb v. Mohd Najam Khan* (2024).
- **Bombay High Court:** Ruled that a Magistrate has the procedural power to grant ex-parte interim relief under Section 23 directly based on a Form III affidavit, without the need for a separate interim application, as seen in *Vishal Damodar Patil v. Vishakha Vishal Patil* (2008).
- **Allahabad High Court:** Confirmed that residence orders under Section 19 cannot be sustained against parents-in-law if the wife fails to establish any specific acts of domestic violence committed by them, as determined in *Deep Sharma v. Binu Sharma* (2023). It has also modified shared household accommodation orders to permit the payment of monthly rent in lieu of actual physical space, as shown in *Shashi Kant v. State of U.P.* (2019).
- **Andhra Pradesh High Court:** Consistently quashes domestic violence proceedings against distant relatives of the husband when allegations are sweeping and omnibus, as established in *Bollisetty Jayaram Sumanth v. State of Andhra Pradesh* (2023). Furthermore, to prevent procedural harassment in these predominantly civil proceedings, the court frequently dispenses with the mandatory personal appearance of the husband's relatives unless explicitly required by the Magistrate, as illustrated in *Addepalli Suryanarayana Raju v. State of Andhra Pradesh* (2023), *Narreddy Marthamma v. State of Andhra Pradesh* (2023), *R. Indrasena v. A. Sunitha* (2023), *Kanisetty Venkat Rao v. Kanisetty Lavanya Devi* (2023), *Cholla Simhadra Naidu v. State of Andhra Pradesh* (2023), *Mallipudi Konanda Rama Raju v. State of Andhra Pradesh* (2023), and *Thadiparthi Sekhar Babu v. State of Andhra Pradesh* (2023).

RECENT EVOLUTION

- **Expanding the Class of Aggrieved Persons:** Recent rulings have clarified that any woman related by consanguinity, including daughters and granddaughters, can invoke the Act to claim maintenance and protection as an aggrieved person against her relatives, as held in *Ram Kumar Pandey v. State of U.P.* (2025).
- **Retrospective Reach:** Courts have affirmed that the Act is remedial and applies to existing domestic relationships even if the specific incidents of violence or cohabitation commenced prior to its enactment in 2006, as noted in *Prakash Vinayak Joshi v. State of Maharashtra* (2009).
- **Direct Access to Courts:** Aggrieved persons have the absolute statutory choice to approach the Magistrate directly under Section 12, bypass the Protection Officer, and obtain immediate judicial hearings, as affirmed in *K. Arul @ Arul Prakasam v. Tmt. Vijayalakshmi* (2015).
- **Liberal Construction of Reliefs:** Section 20 monetary reliefs are interpreted broadly to encompass actual losses, including marriage expenses, provided they are supported by uncontroverted evidence, as recognized in *Syed Abdul Tahewar v. Saira Begum* (2016). Additionally, a divorced woman is entitled to seek protection and monetary benefits for acts committed during the marriage, as shown in *Bharati Naik v. Ravi Ramnath Halarnkar* (2010).

II. Statutory Provisions 4 PROVISIONS

SECTION 12, PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 — APPLICATION TO MAGISTRATE

This section allows an aggrieved person, a Protection Officer, or any other person on their behalf to file an application to the Magistrate for seeking various reliefs under the Act, and outlines the timelines for hearing and disposal of such application.

"Section 12. Application to Magistrate

(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:

Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent...

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall Endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing." *Cited in: Shaurabh Kumar Tripathi v. Vidhi Rawal, Monjit Talukdar v. Rita Talukdar, Syed Abdul Tahewar v. Saira Begum, K. Arul @ Arul Prakasam v. Tmt. Vijayalakshmi*

SECTION 1, PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 — SHORT TITLE, EXTENT AND COMMENCEMENT

This section provides the official title of the Act, states its territorial extent, and provides for its commencement date.

"1. Short title, extent and commencement.-(1) This Act may be called the Protection of Women from Domestic Violence Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint." *Cited in: Bollisetty Jayaram Sumanth v. State of Andhra Pradesh, Mallipudi Konanda Rama Raju v. State of Andhra Pradesh, Thadiparthi Sekhar Babu v. State of Andhra Pradesh, Addepalli Suryanarayana Raju v. State of Andhra Pradesh, Kanisetty Venkat Rao v. Kanisetty Lavanya Devi, Narreddy Marthamma v. State of Andhra Pradesh, Cholla Simhadraida v. State of Andhra Pradesh, R. Indrasena v. A. Sunitha, Nazia Habeeb v. Mohd Najam Khan, Shaurabh Kumar Tripathi v. Vidhi Rawal, Monjit Talukdar v. Rita Talukdar, Syed Abdul Tahewar v. Saira Begum, K. Arul @ Arul Prakasam v. Tmt. Vijayalakshmi, Ram Kumar Pandey v. State of U.P., Shashi Kant v. State of U.P.*

SECTION 20, PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 — MONETARY RELIEFS

This section empowers the Magistrate to direct the respondent to pay monetary relief to meet expenses and losses suffered by the aggrieved person and her child due to domestic violence.

"20. Monetary reliefs.-(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,-

- (a) the loss of earnings;
- (b) the medical expenses;
- (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
- (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require." *Cited in:* Bollisetty Jayaram Sumanth v. State of Andhra Pradesh, Mallipudi Konanda Rama Raju v. State of Andhra Pradesh, Thadiparthi Sekhar Babu v. State of Andhra Pradesh, Addepalli Suryanarayana Raju v. State of Andhra Pradesh, Kanisetty Venkat Rao v. Kanisetty Lavanya Devi, Narreddy Marthamma v. State of Andhra Pradesh, Cholla Simhadraida v. State of Andhra Pradesh, R. Indrasena v. A. Sunitha, Nazia Habeeb v. Mohd Najam Khan, Shaurabh Kumar Tripathi v. Vidhi Rawal, Monjit Talukdar v. Rita Talukdar, Syed Abdul Tahewar v. Saira Begum, K. Arul @ Arul Prakasam v. Tmt. Vijayalakshmi, Ram Kumar Pandey v. State of U.P., Shashi Kant v. State of U.P.

SECTION 10, PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 — SERVICE PROVIDERS

This section outlines the registration, powers, and duties of service providers, who can record domestic incident reports, get aggrieved persons medically examined, and assist with shelter home accommodations.

"10. Service providers. —(1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

(2) A service provider registered under sub -section (1) shall have the power to —

(a) record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;

(b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;

(c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place." *Cited in:* None cited

III. Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Nazia Habeeb v. Mohd Najam Khan</i> DLHC010440382022	HIGH COURT OF DELHI	2024	Dissolution of marriage does not preclude seeking DV Act reliefs for past marital violence.
02	<i>Prashat Kumar v. State of Bihar</i> BRHC010787022024	PATNA HIGH COURT	2025	DV applications under Section 12 are not complaints requiring formal criminal cognizance.
03	<i>Shashi Kant v. State of U.P.</i> UPHC011702042009	ALLAHABAD HIGH COURT	2019	Magistrates can modify residence orders to direct rent payments instead of shared physical space.
04	<i>Smt. S. Vanitha v. The Deputy Commissioner, Bengaluru Urban District & Ors.</i> ESCR010000582020	SUPREME COURT OF INDIA	2020	Shared household rights override summary eviction remedies under the Senior Citizens Act.
05	<i>Addepalli Suryanarayana Raju v. State of Andhra Pradesh</i> APHC010225412023	HIGH COURT OF ANDHRA PRADESH	2023	Inherent powers allow dispensing with the personal appearance of the husband's relatives.
06	<i>K. Arul @ Arul Prakasam v. Tmt. Vijayalakshmi</i> HCMA010900452013	MADRAS HIGH COURT	2015	Women can petition the Magistrate directly without first approaching a Protection Officer.
07	<i>Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors.</i> ESCR010005612016	SUPREME COURT OF INDIA	2016	Struck down "adult male" restriction, allowing DV complaints against any offending individual.
08	<i>Syed Abdul Tahewar v. Saira Begum</i> HCBM030299062016	BOMBAY HIGH COURT	2016	Liberal construction of Section 20 monetary reliefs allows the inclusion of marriage expenses.
09	<i>Monjit Talukdar v. Rita Talukdar</i> GAHC010045452020	GAUHATI HIGH COURT	2021	Consideration of a Domestic Incident Report is not mandatory for granting interim maintenance.
10	<i>Narreddy Marthamma v. State of Andhra Pradesh</i> APHC010328582023	HIGH COURT OF ANDHRA PRADESH	2023	Dispensed with personal attendance of husband's relatives in civil domestic violence cases.
11	<i>R. Indrasena v. A. Sunitha</i> APHC010451472023	HIGH COURT OF ANDHRA PRADESH	2023	Relatives' personal presence before trial court is dispensed with unless strictly necessary.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
12	<i>Kunapareddy @ Nookala Shankha Balaji v. Kunapareddy Swarna Kumari</i> ESCR010001882016	SUPREME COURT OF INDIA	2016	Predominantly civil nature of DV proceedings allows courts to permit amendments to applications.
13	<i>Ram Kumar Pandey v. State of U.P.</i> UPHC011565582025	ALLAHABAD HIGH COURT	2025	Granddaughters and daughters are entitled to seek monetary relief on their own right.
14	<i>Prabha Tyagi v. Kamlesh Devi</i> ESCR010004632022	SUPREME COURT OF INDIA	2022	Prior cohabitation is sufficient; domestic relationship need not subsist at filing.
15	<i>Bollisetty Jayaram Sumanth v. State of Andhra Pradesh</i> APHC010133652023	HIGH COURT OF ANDHRA PRADESH	2023	Omnibus domestic violence allegations against distant relatives without specific acts must be quashed.
16	<i>Kanisetty Venkat Rao v. Kanisetty Lavanya Devi</i> APHC010280342023	HIGH COURT OF ANDHRA PRADESH	2023	Personal appearance of husband's relatives dispensed with due to civil nature of proceedings.
17	<i>Prakash Vinayak Joshi v. State of Maharashtra</i> HCBM010331842008	BOMBAY HIGH COURT	2009	Remedial civil measures apply retrospectively to domestic relationships existing before the Act.
18	<i>Deep Sharma v. Binu Sharma</i> UPHC011763842022	ALLAHABAD HIGH COURT	2023	Section 19 residence orders cannot be passed against in-laws without establishing domestic violence.
19	<i>Cholla Simhadraaidu v. State of Andhra Pradesh</i> APHC010358122023	HIGH COURT OF ANDHRA PRADESH	2023	Husband's relatives are excused from compulsory court attendance during DV proceedings.
20	<i>Vishal Damodar Patil v. Vishakha Vishal Patil</i> HCBM010244812008	BOMBAY HIGH COURT	2008	Magistrate can grant ex-parte interim maintenance without a separate interim application.
21	<i>Kusum Lata Sharma v. State</i> DLHC010351202011	HIGH COURT OF DELHI	2011	Mother-in-law or sister-in-law can file complaints against female relatives under the Act.
22	<i>Mallipudi Konanda Rama Raju v. State of Andhra Pradesh</i> APHC010181602023	HIGH COURT OF ANDHRA PRADESH	2023	High Court dispensed with personal presence of husband's relatives in DV petition.
23	<i>Bharati Naik v. Ravi Ramnath Halarankar</i> HCBM050029912009	BOMBAY HIGH COURT	2010	Divorced woman can invoke the Act for violence experienced during the relationship.
24	<i>Shaurabh Kumar Tripathi v. Vidhi Rawal</i> ESCR010002102025	SUPREME COURT OF INDIA	2025	High Courts hold inherent power to quash DV proceedings under Section 482 CrPC.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
25	<i>Thadiparthi Sekhar Babu v. State of Andhra Pradesh</i> APHC010224352023	HIGH COURT OF ANDHRA PRADESH	2023	Relatives of husband are exempted from personal appearance unless Magistrate specifically requires.

IV. Case Details 25 CASE FILES

01 Nazia Habeeb v. Mohd Najam Khan

HIGH COURT OF DELHI • 2024-11-26 • CRL.REV.P./797/2022

The petitioner filed a case under the Protection of Women from Domestic Violence Act, 2005. The lower appellate court set aside the summons issued to the respondent, reasoning that the parties had divorced, thus terminating their domestic relationship and jurisdiction under the Act. The Delhi High Court addressed whether a woman can invoke the Domestic Violence Act after a divorce has been pronounced. Relying on Supreme Court precedent, the High Court emphasized that the definition of an aggrieved person includes any woman who has, at any point in time, lived in a domestic relationship with the respondent. Therefore, the dissolution of marriage does not preclude the court from entertaining a petition under the Act for incidents of violence that occurred during the subsistence of the relationship.

HELD The High Court held that the dissolution of marriage through divorce does not prevent a woman from seeking reliefs under the Act for domestic violence that occurred while the domestic relationship was subsisting. It noted that the definition of an aggrieved person includes any woman who has, at any point in time, lived in a domestic relationship with the respondent. Thus, the court's jurisdiction is not lost merely because the marriage was dissolved prior to the filing of the application.

“As per proviso to sub-section (1) of Section 12, the Magistrate before passing any order under Section 12 is required to take into consideration any domestic incident report received by him from the protection officer or the service provider.”

HIGH COURT OF DELHI • 2024

SOURCE DLHC010440382022

02 Prashat Kumar v. State of Bihar

PATNA HIGH COURT • 2025-06-23 • CR. REV./657/2024

This criminal revision petition challenged lower court orders that took cognizance of an application filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The petitioners argued that the Magistrate's act of taking cognizance was improper. Relying on recent Supreme Court precedent, the Patna High Court clarified that an application under Section 12 of the DV Act does not constitute a 'complaint' under the Code of Criminal Procedure, and therefore, a Magistrate is not required to take formal cognizance of such an application. Instead, the Magistrate should proceed directly to issuing notice for a hearing. Consequently, the High Court set aside the previous orders and directed the Magistrate to issue a fresh notice for the hearing.

HELD The High Court held that an application under Section 12 of the DV Act, 2005 is not a criminal complaint under Section 200 of the CrPC or Section 223 of the BNSS. Consequently, the Magistrate is not required to take formal cognizance of the offenses, examine the complainant, or record statements before issuing notice. The Magistrate must proceed directly to fixing a hearing date and issuing notice to the respondent.

“As can be seen from the scheme of the DV Act, 2005 and in particular section 12, it is not a complaint under Section 200 of the Cr.P .C. or Section 223 of the BNSS. While dealing with a complaint under Section 200 of the Cr.P .C., the learned Magistrate cannot mechanically take cognizance of the offences alleged in the complaint.”

PATNA HIGH COURT • 2025

SOURCE BRHC010787022024

03 Shashi Kant v. State of U.P.

ALLAHABAD HIGH COURT • 2019-05-17 • A482/582/2009

The applicant husband challenged orders directing him to provide residential accommodation to his wife under the Protection of Women from Domestic Violence Act, 2005. The lower courts had ordered him to provide rooms in his shared household or pay monthly rent. During the proceedings, the parties reached an amicable settlement to resolve the ongoing matrimonial dispute. The court disposed of the application based on this consent, directing the husband to pay a monthly sum of Rs. 2,500 to the wife in lieu of providing accommodation, along with a lump sum payment for litigation expenses. The previous orders were modified to reflect this settlement.

HELD The High Court confirmed that under Section 19(1) of the Act, a Magistrate is empowered to pass a residence order to secure alternative accommodation or direct the respondent to pay rent for the same. However, no order directing a respondent to remove himself from the shared household under Section 19(1)(b) can be passed against a woman.

“While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order—... (f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require: Provided that no order under clause (b) shall be passed against any person who is a woman.”

ALLAHABAD HIGH COURT • 2019

SOURCE UPHC011702042009

04 Smt. S. Vanitha v. The Deputy Commissioner, Bengaluru Urban District & Ors.

SUPREME COURT OF INDIA • 2020-12-15 • 2020 INSC 701

This case addressed a conflict between the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and the Protection of Women from Domestic Violence Act, 2005. The appellant sought to remain in her

matrimonial home after her parents-in-law initiated eviction proceedings under the 2007 Act. The Supreme Court held that the two legislations must be construed harmoniously rather than allowing one to override the other. It ruled that a woman's right to a 'shared household' under the 2005 Act cannot be defeated by an eviction order obtained through the summary procedures of the 2007 Act. Tribunals must consider competing claims under both statutes to ensure neither party is deprived of their respective legal protections.

HELD The Supreme Court held that the Protection of Women from Domestic Violence Act, 2005 and the Senior Citizens Act, 2007 must be harmoniously construed. A senior citizen cannot defeat a woman's right to secure housing or a residence order in a shared household by simply obtaining an eviction order using summary procedures under the 2007 Act. The right of a woman to reside in her matrimonial home or shared household is secured under Section 17 and Section 19 of the PWDV Act.

"Allowing the Senior Citizens Act 2007 to have an overriding force and effect in all situations, irrespective of competing entitlements of a woman to a right in a shared household within the meaning of the PWDV Act 2005, would defeat the object and purpose which the Parliament sought to achieve in enacting the latter legislation."

SUPREME COURT OF INDIA • 2020

SOURCE ESCR010000582020

05 Addepalli Suryanarayana Raju v. State of Andhra Pradesh

HIGH COURT OF ANDHRA PRADESH • 2023-07-05 • CRLP/3301/2023

The petitioners sought to quash domestic violence proceedings initiated against them under the Protection of Women from Domestic Violence Act, 2005. The primary grievance was the mandatory requirement for the petitioners to personally appear before the trial court. Relying on a previous common order by the same High Court, the court held that while proceedings under the Act are generally civil in nature and governed by the Code of Criminal Procedure, the High Court maintains inherent power to provide relief. Consequently, the court allowed the petition in part, dispensing with the personal appearance of the petitioners (excluding the husband) before the trial court unless the Magistrate explicitly directs otherwise.

HELD The High Court held that reliefs under the Domestic Violence Act, such as protection orders and monetary reliefs, are civil in nature to redress civil wrongs, though governed by CrPC procedures under Section 28. In exercise of inherent powers, the High Court dispensed with the personal appearance of the husband's relatives before the trial court unless specifically directed by the Magistrate.

"It is apparent that the reliefs sought by the aggrieved person under the Act are civil in nature, and protection order, residence order, monetary reliefs, custody order and compensation order are the reliefs sought for civil wrong."

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010225412023

06 K. Arul @ Arul Prakasam v. Tmt. Vijayalakshmi

MADRAS HIGH COURT • 2015-03-11 • CRL RC/454/2013

This case involved a dispute under the Protection of Women from Domestic Violence Act, 2005. The wife alleged consistent physical and mental cruelty by her husband, including instances of battery and harassment. The trial court initially granted a residence order and ordered the husband to pay maintenance of Rs. 5,000 per month. On appeal, the Sessions Judge upheld the findings of domestic violence and the residence order but reduced the monthly maintenance to Rs. 3,500. The husband filed a criminal revision petition in the High Court, challenging the lower courts' findings and the maintenance award. The High Court reviewed the evidence, including the testimony of the couple's son, and ultimately maintained the lower court's decision, affirming the relief granted to the wife.

HELD The High Court held that an aggrieved person has the choice under Section 12 to directly approach the Magistrate or seek the help of a Protection Officer or service provider. It is not an illegality for a woman to approach the Magistrate directly, and the recording of statements under Sections 200 and 202 CrPC is not required before issuing notice.

"the Allahabad High Court held that a plain reading of the Section 12 of the Act, shows that an aggrieved person can file an application, directly to the Magistrate concerned. This is the choice of the aggrieved person that instead of directly approaching the Magistrate, he or she can approach the Protection Officer..."

MADRAS HIGH COURT • 2015

SOURCE HCMA010900452013

07 Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors.

SUPREME COURT OF INDIA • 2016-10-06 • 2016 INSC 955

This case addressed the constitutional validity of the definition of 'respondent' under Section 2(q) of the Protection of Women from Domestic Violence Act, 2005, which originally restricted the term to an 'adult male person.' The Supreme Court held that this restriction created an arbitrary classification that failed to serve the Act's primary objective of providing comprehensive protection to women against all forms of domestic violence. By limiting the scope to adult males, the provision hindered the Act's effectiveness in scenarios where female relatives or non-adults perpetrated abuse. Applying the doctrine of severability, the Court struck down the words 'adult male' from Section 2(q) to ensure the Act aligns with the constitutional guarantee of equality. Consequently, the definition now includes any person, regardless of gender or age, who is involved in domestic violence against an aggrieved woman.

HELD The Supreme Court struck down the words "adult male" from Section 2(q) of the Act as unconstitutional, holding that the restriction discriminated between similarly situated persons and frustrated the protective object of the Act. Striking down these words ensures that a "respondent" can be any person (male or female) who is in a domestic relationship with the aggrieved person and has subjected her to domestic violence.

“Therefore, the words, 'adult male' before the word 'person' in s., 2 (q) are struck down as these words discriminate between persons similarly situated and being contrary to the object to be achieved by the Act...”

SUPREME COURT OF INDIA • 2016

SOURCE ESCR010005612016

08 Syed Abdul Tahewar v. Saira Begum

BOMBAY HIGH COURT • 2016-09-21 • WP/1008/2016

This case concerns a dispute under the Protection of Women from Domestic Violence Act, 2005. The husband challenged an appellate court order that increased the compensation payable to his wife, specifically contesting the award of marriage expenses. He argued that the court lacked legal authority under Section 20 of the Act to grant such expenses. The High Court rejected the husband's contention, ruling that the Act is a beneficial legislation intended to protect women, and its provisions should receive a liberal interpretation. The Court further noted that the wife had submitted oral and documentary evidence to prove the marriage expenses, which the husband failed to challenge through cross-examination. Consequently, the petition was dismissed.

HELD The High Court held that the Domestic Violence Act is beneficial legislation designed to provide multiple civil reliefs—including compensation, protection, residence, and monetary orders—to women. It held that the provisions of Section 20 are wide and should be liberally construed to cover expenses and losses, which can include marriage expenses when properly proven by evidence.

“Chapter IV is the heart and soul of the Domestic Violence Act, which provides various reliefs to a woman who has or has been in domestic relationship with any adult male person and seeks one or more reliefs provided under the Act.”

BOMBAY HIGH COURT • 2016

SOURCE HCBM030299062016

09 Monjit Talukdar v. Rita Talukdar

GAUHATI HIGH COURT • 2021-12-10 • CRL.REV.P./86/2020

This revision petition challenged an order passed by a Magistrate directing a husband to pay interim maintenance to his wife under the Protection of Women from Domestic Violence Act, 2005. The husband argued the order was invalid because it was passed without a Domestic Incident Report (DIR) from a Protection Officer, as referenced in Section 12 of the Act. The Gauhati High Court rejected this contention, affirming that the Magistrate is not legally obligated to procure a DIR before passing an interim order. The court clarified that the requirement to consider a DIR applies only if such a report is already available, and held that an aggrieved person is entitled to seek direct relief from a Magistrate.

HELD The High Court held that a Magistrate is not legally required to call for or obtain a Domestic Incident Report (DIR) before passing an interim maintenance order under Section 12 or issuing notice to the respondent. The proviso to Section 12(1) only mandates consideration of a DIR if one has already been received from the Protection Officer or service provider.

“If Parliament had intended that a report of the Protection Officer is a pre-condition for the magistrate to act upon the complaint of an aggrieved person, or someone acting on her behalf, it would have expressed that intention more clearly.”

GAUHATI HIGH COURT • 2021

SOURCE GAHC010045452020

10 Narreddy Marthamma v. State of Andhra Pradesh

HIGH COURT OF ANDHRA PRADESH • 2023-07-19 • CRLP/5064/2023

This criminal petition was filed under Section 482 of the Code of Criminal Procedure to quash proceedings initiated under the Protection of Women from Domestic Violence Act, 2005. The petitioners requested relief from mandatory personal appearance before the Magistrate. Relying on a prior common order of the High Court, the court held that while inherent powers under Section 482 could be invoked, the proceedings under the Domestic Violence Act are largely civil in nature. The High Court disposed of the petition by dispensing with the personal presence of the petitioners, who were relatives of the husband, before the Magistrate, except on specific occasions when the Magistrate deems their presence necessary.

HELD The High Court affirmed that while inherent powers under Section 482 CrPC can be invoked, proceedings under the PWDV Act are civil in nature. It dispensed with the mandatory personal appearance of the husband's relatives before the Magistrate, noting that their presence should only be required when strictly necessary.

“Section 18 of the Domestic Violence Act relates to protection order. In terms of Section 18 of the Act, intention of the legislature is to provide more protection to woman. Section 20 of the Act empowers the court to order for monetary relief to the “aggrieved party”. When acts of domestic violence are alleged, before issuing notice, the court has to be prima facie satisfied that there have been instances of domestic violence.”

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010328582023

11 R. Indrasena v. A. Sunitha

HIGH COURT OF ANDHRA PRADESH • 2023-09-11 • CRLP/6881/2023

The petitioners sought to quash the proceedings initiated against them under the Protection of Women from Domestic Violence Act, 2005. The primary issue was whether the High Court could exercise its inherent powers under Section 482 of the Code of Criminal Procedure to intervene in such proceedings, given their civil nature and the availability of appellate remedies. Relying on earlier precedent, the court reaffirmed that while it can

exercise these powers subject to self-imposed restrictions, it would not quash the proceedings. Instead, the court dispensed with the personal appearance of the petitioners (who were relatives of the husband) before the Magistrate, except on specific occasions when their presence is deemed necessary.

HELD The High Court held that High Courts have the power to dispense with the personal appearance of the husband's relatives in a domestic violence case, given the civil nature of the reliefs sought. However, a prima facie satisfaction regarding domestic violence allegations is required before a notice can be issued.

"When acts of domestic violence are alleged, before issuing notice, the court has to be prima facie satisfied that there have been instances of domestic violence."

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010451472023

12 Kunapareddy @ Nookala Shanka Balaji v. Kunapareddy Swarna Kumari

SUPREME COURT OF INDIA • 2016-04-18 • 2016 INSC 323

This case addressed whether a court has the authority to allow amendments to a petition or complaint filed under the Domestic Violence Act, 2005. The Supreme Court held that such courts possess the jurisdiction to permit amendments when necessary due to subsequent events or to avoid a multiplicity of litigation. The Court reasoned that proceedings under the Act are predominantly civil in nature, and strict procedural barriers should not hinder the Act's primary objective of protecting aggrieved persons. Denying the power to amend would defeat the purpose of the legislation. Therefore, the Court affirmed that the trial court correctly allowed the amendment to the wife's petition.

HELD The Supreme Court held that a Magistrate entertaining a petition under Section 12 of the Act has the power to allow amendments to the pleadings. This is because proceedings under the Domestic Violence Act are predominantly of a civil nature, aimed at providing civil remedies, and procedural rigidity should not defeat the protective purpose of the legislation.

"In respect of the petition filed under Sections 18 and 20 of the DV Act, the proceedings are to be governed by the Code, as provided under Section 28 of the DV Act. At the same time, it cannot be disputed that these proceedings are predominantly of civil nature."

SUPREME COURT OF INDIA • 2016

SOURCE ESCR010001882016

13 Ram Kumar Pandey v. State of U.P.

ALLAHABAD HIGH COURT • 2025-05-26 • NA528/11345/2025

The applicant sought to quash a complaint and subsequent summoning order filed against him by his granddaughter under the Protection of Women from Domestic Violence Act, 2005. The applicant argued that his granddaughter did not qualify as an aggrieved person under the Act and that no domestic relationship existed between them. The court declined to intervene at this preliminary stage, noting that the applicant had already appeared before the trial court and submitted a response. Given that the underlying proceedings were still

pending and no final orders under the Act had been issued, the court held it was inappropriate to prematurely terminate the case, leaving the parties to pursue their remedies through the ongoing trial process.

HELD The High Court noted that any woman, including a daughter or granddaughter, who lives or has lived in a domestic relationship based on consanguinity, is entitled to seek reliefs as an "aggrieved person." It declined to quash proceedings prematurely when the trial court was still seized of the matter.

"A conjoint reading of Section 2(a)3 and 2(f)4 of the DV Act would show that a daughter, who is or was living with her father in a domestic relationship by way of consanguinity, is entitled to seek reliefs including monetary relief on her own right as an aggrieved person under Section 2(a) of the DV Act irrespective of the fact whether she is a minor or major."

ALLAHABAD HIGH COURT • 2025

SOURCE UPHC011565582025

14 Prabha Tyagi v. Kamlesh Devi

SUPREME COURT OF INDIA • 2022-05-12 • 2022 INSC 563

This case concerns the scope of the Protection of Women from Domestic Violence Act, 2005. The appellant sought relief after being harassed by her in-laws following her husband's death. The Supreme Court clarified that a Magistrate is not required to consider a Domestic Incident Report before passing orders under the Act. Furthermore, the Court held that it is not mandatory for an aggrieved person to have lived with the respondents at the time of the alleged violence to seek relief. A domestic relationship does not need to be subsisting at the time of filing an application; it is sufficient if the parties lived together or had the right to live together at any point in time.

HELD The Supreme Court held that there is no requirement for a domestic relationship to be subsisting at the time of filing an application under the Act. It clarified that a woman is entitled to seek reliefs if she has lived with the respondent in a shared household at any point in time, and the Magistrate can take cognizance of a Section 12 application in the absence of a DIR.

"Thus, the Magistrate has jurisdiction to take cognizance of the complaint under Section 12 of the D.V. Act in the absence of a Domestic Incident Report under Rule 5 when the complaint is not filed on behalf of the aggrieved person through a Protection Officer or service provider."

SUPREME COURT OF INDIA • 2022

SOURCE ESCR010004632022

15 Bollisetty Jayaram Sumanth v. State of Andhra Pradesh

HIGH COURT OF ANDHRA PRADESH • 2023-03-23 • CRLP/2088/2023

This case involved a petition to quash proceedings initiated under the Protection of Women from Domestic Violence Act, 2005. The petitioners sought to challenge the ongoing domestic violence case pending before the magistrate. Relying on a prior common order of the High Court, the court decided to dispose of the petition by dispensing with the personal appearance of the petitioners, who were relatives of the husband, in the

proceedings before the trial court. Their presence is only required in instances where the magistrate determines it is necessary, while the husband remains subject to the standard requirements of the court.

HELD The High Court held that when acts of domestic violence are alleged, the court must be prima facie satisfied that there have been instances of domestic violence before issuing notice. Where there are no specific allegations against relatives of the husband showing how they caused the domestic violence, the case against them cannot continue and is liable to be quashed.

“Since there are no specific allegations against Appellants 3 to 13, the criminal case of domestic violence against them cannot be continued and is liable to be quashed.”

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010133652023

16 Kanisetty Venkat Rao v. Kanisetty Lavanya Devi

HIGH COURT OF ANDHRA PRADESH • 2023-06-20 • CRLP/3960/2023

This case involved a petition to quash proceedings initiated under the Protection of Women from Domestic Violence Act, 2005. The petitioners, who were relatives of the husband, sought to challenge the magistrate's proceedings in a Domestic Violence Case. Following established precedent from a batch of cases heard by the same court, the High Court determined that while the High Court's inherent powers under Section 482 of the CrPC can be invoked, they are subject to self-imposed restrictions, including the availability of alternative remedies. Ultimately, the court disposed of the petition by dispensing with the personal presence of the petitioners before the trial court, except where the magistrate deemed their appearance necessary.

HELD The High Court held that while the court possesses the inherent power under Section 482 CrPC to quash or intervene in Domestic Violence proceedings, it must exercise this power with restraint due to available statutory remedies. It disposed of the petition by dispensing with the personal attendance of the husband's relatives unless explicitly required by the Magistrate.

“It is apparent that the reliefs sought by the aggrieved person under the Act are civil in nature, and protection order, residence order, monetary reliefs, custody order and compensation order are the reliefs sought for civil wrong.”

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010280342023

17 Prakash Vinayak Joshi v. State of Maharashtra

BOMBAY HIGH COURT • 2009-07-18 • WP/2102/2008

This case involved several petitions concerning the maintainability of proceedings under the Protection of Women from Domestic Violence Act, 2005. The primary issue was whether the Act could be applied to incidents of domestic violence that occurred prior to its enactment on October 26, 2006. The husbands argued that the Act created new substantive rights and liabilities, making its application strictly prospective. The Court analyzed the legislative intent, observing that the Act was designed to provide civil remedies for ongoing domestic

relationships and constitutional protections against violence. Ultimately, the Court determined that the statute provides remedial civil measures for situations involving existing domestic relationships, even if some contributing incidents occurred before the Act became effective, thereby allowing such applications to proceed.

HELD The High Court held that the PWDV Act, 2005 is retrospective in the sense that it provides civil remedies for domestic violence and domestic relationships that existed prior to its enactment. It confirmed that the Act incorporates various civil reliefs including protection, residence, monetary, custody, and compensation orders, which can also be sought in pending civil, family, or criminal proceedings under Section 26.

“Section 26 provides that any relief which may be granted under the aforesaid Sections can be also sought in any legal proceedings pending before a Civil Court, Family Court or Criminal Court affecting the aggrieved person and the respondent.”

BOMBAY HIGH COURT • 2009

SOURCE HCBM010331842008

18 Deep Sharma v. Binu Sharma

ALLAHABAD HIGH COURT • 2023-05-24 • CRLR/3839/2022

This case involves a criminal revision against an appellate court order concerning the Protection of Women from Domestic Violence Act, 2005. The trial court had found that only the husband committed domestic violence against his wife, but the appellate court modified the order to include the husband's parents in a residence directive, preventing them from interfering with the wife's right to reside in the shared household. The revisionists, who are the parents-in-law, argued that the property was owned exclusively by them, they had disowned their son, and no domestic violence was found on their part. The court determined that since the wife failed to prove domestic violence against the in-laws, an order imposing residence restrictions upon them under Section 19 of the Act was legally unsustainable. The court held that the Act does not permit such directives against parties against whom no domestic violence was established.

HELD The High Court held that reliefs under Chapter IV of the Act (including residence orders under Section 19) can only be granted against a person who is defined as a "respondent." To be a respondent, the person must not only have been in a domestic relationship with the aggrieved person but must also have actually subjected her to domestic violence; thus, no order can be passed against parents-in-law if domestic violence is not established against them.

“Meaning thereby the respondent must not only stand in domestic relationship with the aggrieved person but he should be one who has subjected the aggrieved person to domestic violence.”

ALLAHABAD HIGH COURT • 2023

SOURCE UPHC011763842022

19 Cholla Simhadraaidu v. State of Andhra Pradesh

HIGH COURT OF ANDHRA PRADESH • 2023-07-25 • CRLP/5207/2023

This petition was filed to quash proceedings initiated under the Protection of Women from Domestic Violence Act, 2005. The petitioners challenged the ongoing domestic violence case, arguing for relief regarding their compulsory appearance before the magistrate court. The High Court, following its previous common order in similar matters, ruled that while the inherent powers of the court can be invoked under the Code of Criminal Procedure, the proceedings under the Domestic Violence Act are primarily civil in nature. The court ultimately disposed of the petition by dispensing with the personal attendance of the petitioners, except for the husband, unless the trial magistrate specifically deems their presence necessary for the proceedings.

HELD The High Court reaffirmed that proceedings under the Domestic Violence Act are civil in nature, though governed by CrPC rules. In light of this, the court dispensed with the personal appearance of the husband's relatives before the trial Magistrate except when specifically required.

"In terms of Section 18 of the Act, intention of the legislature is to provide more protection to woman. Section 20 of the Act contemplates grant of monetary relief to the aggrieved party."

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010358122023

20 Vishal Damodar Patil v. Vishakha Vishal Patil

BOMBAY HIGH COURT • 2008-08-20 • WP/1552/2008

The petitioner challenged an order granting interim maintenance and residential rights to his wife under the Protection of Women from Domestic Violence Act, 2005. He argued that the trial court could not grant such relief in the absence of a formal, separate application for interim measures. The court held that under Section 23 of the Act, read with the accompanying Rules, a magistrate has the jurisdiction to grant interim relief in proceedings initiated under Section 12 without requiring a separate application, provided the respondent is given an opportunity to be heard. Finding that the magistrate acted within their procedural authority and the petitioner had sufficient notice, the court upheld the decision.

HELD The High Court held that a Magistrate is empowered to grant ex-parte ad-interim or interim relief under Section 23 of the Act without the need for a separate formal application, provided that the main application under Section 12(1) claims such reliefs. The respondent must be afforded an opportunity of being heard before a final interim order is made, but an ex-parte order can be granted on an affidavit in Form III.

"Sub section 2 of section 23 read with the Rule 7 clearly shows that there is no requirement of filing a separate application for interim relief under section 23 of the said Act."

BOMBAY HIGH COURT • 2008

SOURCE HCBM010244812008

21 Kusum Lata Sharma v. State

HIGH COURT OF DELHI • 2011-09-02 • CRL.M.C./725/2011

The petitioner challenged a complaint filed against her by her mother-in-law under the Protection of Women from Domestic Violence Act, 2005. The petitioner argued that female relatives cannot be respondents under the Act and that the legislation was intended only to protect wives from male perpetrators. The High Court rejected these contentions, relying on Supreme Court and Division Bench precedents. The court held that the definition of 'respondent' under the Act is not restricted to adult males and includes female relatives of the husband. Furthermore, the court clarified that the definition of 'aggrieved person' is broad and covers women in various domestic relationships, thereby confirming that a complaint against a female relative is maintainable.

HELD The High Court held that the definition of 'respondent' is not limited to adult male persons when the complainant is a wife or a female partner in a relationship in the nature of marriage. It held that female relatives of the husband, such as a sister-in-law or mother-in-law, can be named as respondents in proceedings initiated by the wife.

"When aforesaid provisions are read conjointly keeping the scheme of the DV Act, it becomes abundantly clear that the legislator intended female relatives also to be respondents in the proceedings initiated by wife or female living in relationship in the nature of marriage."

HIGH COURT OF DELHI • 2011

SOURCE DLHC010351202011

22 Mallipudi Konanda Rama Raju v. State of Andhra Pradesh

HIGH COURT OF ANDHRA PRADESH • 2023-07-06 • CRLP/2712/2023

This case involved a petition to quash proceedings initiated under the Protection of Women from Domestic Violence Act, 2005. Relying on a prior common order, the High Court determined that while the High Court's inherent powers under the Code of Criminal Procedure could be invoked to address grievances regarding Domestic Violence Act proceedings, there are self-imposed restrictions to ensure that an efficacious alternative remedy under the Act is prioritized. The Court ultimately disposed of the petition by dispensing with the personal appearance of the petitioners (relatives of the husband) before the Magistrate, except on specific occasions where their presence is deemed necessary.

HELD The High Court held that reliefs under the Domestic Violence Act are civil in nature. The court dispensed with the compulsory personal presence of the husband's relatives before the Magistrate, directing that they are only required to appear on specific dates when their presence is deemed absolutely necessary.

"It is apparent that the reliefs sought by the aggrieved person under the Act are civil in nature, and protection order, residence order, monetary reliefs, custody order and compensation order are the reliefs sought for civil wrong."

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010181602023

23 Bharati Naik v. Ravi Ramnath Halarnkar

BOMBAY HIGH COURT • 2010-02-17 • WPCR/64/2009

This case addressed whether a divorced woman can invoke the Protection of Women from Domestic Violence Act, 2005. Lower courts had dismissed the petitioner's application on the ground that the domestic relationship did not subsist at the time of the application. The High Court analyzed the statutory definitions of 'aggrieved person,' 'respondent,' and 'domestic relationship,' noting that the use of phrases like 'has been' and 'have lived' explicitly includes past relationships. The Court held that the Act does not require the relationship to be subsisting at the time of filing to seek relief, as the legislative intent is to protect women from domestic violence regardless of whether the marriage has been annulled.

HELD The High Court held that a divorced woman is entitled to invoke the provisions of the PWDV Act, 2005. Because the statutory definitions of "aggrieved person," "respondent," and "domestic relationship" use past-tense terms like "has been" and "have lived", a subsisting relationship is not a prerequisite for filing an application for acts committed during the marriage.

"The definition of "aggrieved person" postulates a woman who is, or "has been" in a domestic relationship with the Respondent and the Respondent means any adult male person who is, or "has been", in a domestic relationship with the aggrieved person."

BOMBAY HIGH COURT • 2010

SOURCE HCBM050029912009

24 Shaurabh Kumar Tripathi v. Vidhi Rawal

SUPREME COURT OF INDIA • 2025-05-18 • 2025 INSC 734

This case addressed whether High Courts can use their inherent powers under Section 482 of the Criminal Procedure Code (or Section 528 of the Bharatiya Nagarik Suraksha Sanhita) to quash proceedings initiated under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The Supreme Court clarified that although proceedings under the Domestic Violence Act are predominantly civil in nature, they are handled by Magistrates, who are Criminal Courts. Consequently, High Courts possess the jurisdiction to quash these proceedings. However, the Court emphasized that such power should be exercised with caution and circumspection, reserved for cases involving gross illegality or injustice, to ensure the protective objectives of the Act are not undermined.

HELD The Supreme Court held that the High Court has jurisdiction to entertain petitions under Section 482 of the CrPC or Section 528 of the BNSS to quash proceedings arising under Section 12 of the DV Act. Since the Magistrate courts designated under the Act are Criminal Courts under the CrPC, the High Court's inherent criminal jurisdiction is applicable, but it must be exercised with extreme caution and circumspection.

"The Courts of Metropolitan Magistrates and Judicial Magistrates of First Class, which are empowered to entertain applications under Section 12 and to grant reliefs under the DV Act, 2005, are Criminal Courts."

SUPREME COURT OF INDIA • 2025

SOURCE ESCR010002102025

25 Thadiparthi Sekhar Babu v. State of Andhra Pradesh

HIGH COURT OF ANDHRA PRADESH • 2023-08-07 • CRLP/3376/2023

The petitioner sought to quash domestic violence proceedings initiated against him under the Protection of Women from Domestic Violence Act, 2005. Relying on a precedent set by a common order of the same court, the High Court held that while the inherent powers under Section 482 of the Code of Criminal Procedure are available to address grievances, the primary concern of such petitioners is often their personal appearance in court. Consequently, the Court disposed of the petition by dispensing with the personal presence of the petitioner before the trial magistrate, except on occasions where the magistrate deems his presence necessary.

HELD The High Court held that while inherent powers under Section 482 CrPC exist to address grievances in Domestic Violence Act proceedings, they are subject to self-imposed restrictions. It disposed of the petition by dispensing with the personal attendance of the petitioner before the trial magistrate unless specifically directed.

“It is apparent that the reliefs sought by the aggrieved person under the Act are civil in nature, and protection order, residence order, monetary reliefs, custody order and compensation order are the reliefs sought for civil wrong.”

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010224352023

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