

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

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**Criminal Petition No.7027 OF 2022**

Between:

C.D.Ravindernath ... Petitioner

And

Srilatha and another. ...Respondent

AND

**Criminal Petition No.7033 OF 2022**

Between:

C.D.Ravindernath & others ... Petitioners

And

Srilatha and another. ...Respondent

DATE OF JUDGMENT PRONOUNCED: 28.04.2023

Submitted for approval.

**THE HON'BLE SRI JUSTICE K.SURENDER**

- 1 Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
- 2 Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
- 3 Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

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*K.SURENDER, J*

\* THE HON'BLE SRI JUSTICE K. SURENDER

+ CRL.P. Nos.7027 of 2022

% Dated 28.04.2023

# C.D.Ravindernath ... Petitioner

And

Srilatha and another. ...Respondent

AND

Criminal Petition No.7033 OF 2022

Between:

C.D.Ravindernath & others ... Petitioners

And

Srilatha and another. ...Respondent

! **Counsel for the Petitioners:** Sri M.Vijaya Kanth

^ **Counsel for the Respondents:** Sri Katta Laxmi Prasad R1

Sri S.Sudershan

Addl. Public Prosecutor for R2

>**HEAD NOTE:**

? **Cases referred**

<sup>1</sup> 2022 LiveLaw (Ker) 635

<sup>2</sup> 2018 CRI.LJ 2545

<sup>3</sup> 2015 CRI.LJ 1874

<sup>4</sup> (2011) 4 SCC 266

**HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION Nos. 7027 & 7033 of 2022****COMMON ORDER:**

1. Criminal Petition No.7027 of 2022 is filed to quash STC No.4 of 2022 on the file of II Additional Junior Civil Judge-cum-XIX Additional Metropolitan Magistrate, Cyberabad at Malkajgiri.
2. Criminal Petition No.7033 of 2022 is filed to quash STC No.3 of 2022 on the file of II Additional Junior Civil Judge-cum-XIX Additional Metropolitan Magistrate, Cyberabad at Malkajgiri.
3. The short question involved in both the cases is whether Section 31 of The Protection of Women from Domestic Violence Act, 2005 (for short 'the DVC Act') which prescribes penalty for breaching 'protection order' under section 18 of the Act, be extended to prosecution for breach of orders of maintenance and compensation granted by the Court under Sections 20 and 22 respectively.

4. The petitioner in Criminal Petition No.7027 is the husband of the 1<sup>st</sup> respondent and petitioners in Criminal Petition No.7033 of 2022 are the husband, mother-in-law and brother-in-law of the 1<sup>st</sup> respondent/wife. The 1<sup>st</sup> respondent/wife filed DVC No.46 of 2014 and the Court had granted maintenance of Rs.10,000/- per month to be paid to the respondent/wife and Rs.20,000/- per month to the son, which includes medical and educational expenses. The amount was directed to be deposited into the account of the respondent/wife. It was also ordered that compensation of Rs.10.00 lakhs to be paid by all the respondents, who are the husband, mother-in-law and brother-in-law.

5. For the reason of not paying the compensation amount as directed and also the maintenance, which was directed to be paid by the husband, two different applications were filed under Section 31 of the Act to take cognizance and punish the petitioners in accordance with Section 31 of the Act.

6. Learned Magistrate having considered the applications made by the respondent/wife directed that STC No.04 of 2022 be registered for not paying maintenance and STC No.3 of 2022 registered for not paying compensation, against husband, mother-in-law and brother-in-law.

7. Learned counsel appearing for the petitioners would submit that Section 31 of the Act can only be invoked for breaching of protection order which is granted under Section 18 of the Act. Section 31 cannot be invoked for any other violation including not paying maintenance, compensation or any other such orders passed under the DVC Act. The direction by the learned Magistrate is bad in law and has to be set aside. He relied on the judgment of Kerala High Court in the case of **Suneesh v. State of Kerala**<sup>1</sup> wherein it was held that Section 31 can be invoked only for breaching of a protection order and not for any other reliefs granted under DVC Act.

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<sup>1</sup> 2022 LiveLaw (Ker) 635

8. On the other hand, learned counsel for the respondent/wife would submit that Section 31 of the Act was considered by the Madhya Pradesh High Court in the case of **Surya Prakash v. Smt.Rachna**<sup>2</sup> and Karnataka High Court in the judgment of **Vincent Shanthakumar v. Smt.Christina Geetha Rani**<sup>3</sup> and argued that the Court can invoke provisions under Section 31 of the Act for not paying maintenance. A purposive interpretation has to be given to the provisions of DVC Act and in view of the definition of domestic violence, the prosecution would be maintainable under Section 31 of the Act for not paying maintenance and compensation. Accordingly, prayed to dismiss the petitions.

9. Under DVC Act, several reliefs can be granted. The kind of reliefs that can be granted are segregated and specifically mentioned under Sections 18 to 22 and also

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<sup>2</sup> 2018 CRI.LJ 2545

<sup>3</sup> 2015 CRI.LJ 1874

the power to grant interim and ex-parte orders under Section 23 of the Act.

10. Section 18 of the Act deals with protection orders when the Court is satisfied that domestic violence has taken place or likely to take place, protection order in favour of aggrieved person can be passed.

11. Under Section 19 of the Act, the Court if satisfied that the domestic violence has taken place, pass orders regarding the right to be given shelter/ residence.

12. Under Section 20 of the Act, the Court can direct the respondent to pay monetary relief to meet the expenses incurred and loss suffered by the aggrieved person or the child as a result of domestic violence. The said monetary relief would include loss of earnings, medical expenses etc. and maintenance

13. Under Section 21 of the Act, the Court while considering the application either for protection orders or for any other relief, can grant temporary custody of a child

to the aggrieved person or any person making an application on her behalf.

14. Under Section 22 of the Act, in addition to the said reliefs under Sections 18 to 21, the Magistrate, on application being made by the respondent to pay compensation and damages for injuries which include mental torture, emotional distress caused on account of the acts of domestic violence.

15. The Legislature has thought it fit to segregate reliefs that can be sought under DVC Act. The reliefs that can be granted by a Court under DVC Act are mentioned under Sections 18 to 22. By applying the rule of literal construction, the words of the statute have to be understood in their natural ordinary sense in accordance with their grammatical meaning, unless it leads to some absurdity or if the intent of the Legislature suggests otherwise. The words of the statute must *prima facie* be



given their ordinary meaning. In the case of ***B. Premanand***

***v. Mohan Koikal***,<sup>4</sup>

“24. The literal rule of interpretation really means that there should be no interpretation. In other words, we should read the statute as it is, without distorting or twisting its language. We may mention here that the literal rule of interpretation is not only followed by Judges and lawyers, but it is also followed by the layman in his ordinary life. To give an illustration, if a person says “this is a pencil”, then he means that it is a pencil; and it is not that when he says that the object is a pencil, he means that it is a horse, donkey or an elephant. In other words, the literal rule of interpretation simply means that we mean what we say and we say what we mean. If we do not follow the literal rule of interpretation, social life will become impossible, and we will not understand each other. If we say that a certain object is a book, then we mean it is a book. If we say it is a book, but we mean it is a horse, table or an elephant, then we will not be able to communicate with each other. Life will become impossible. Hence, the meaning of the literal rule of interpretation is simply that we mean what we say and we say what we mean.”

16. A Court cannot read into the provisions of an enactment to arrive at a different meaning from what the words in the statute suggest. The intention can only be inferred from the words used and cannot draw inferences contrary to the meaning of the words, unless permitted by law to refer to aids to interpretation.

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<sup>4</sup> (2011) 4 SCC 266

17. Under the DVC Act, as already stated supra the reliefs are segregated under different provisions from Sections 18 to 22 of the Act and there is a clear demarcation. If the legislature had intended that any breach of the order made while granting reliefs under Sections 18 to 22 be punishable under Section 31, the same would have been said in clear terms. Since there is no ambiguity in any of the reliefs that can be granted under the DVC Act and clearly demarcated, the Courts need not search for any other interpretation other than the actual meaning of the words.

18. Section 31 of the DVC Act prescribes penalty for breach of protection order made under Section 18. The said provision cannot be read as a penalty for residence orders under Section 19 or monetary reliefs under Section 20 or custody orders under Section 21 or compensation order under Section 22.

19. Learned Magistrate has relied on Rule 15(7) of Protection of Women from Domestic Violence Rules, 2006 (for short 'the Rules of 2006').

“Rule 15(7)

Any resistance to the enforcement of the orders of the court under the Act by the respondent or any other person purportedly acting on his behalf shall be deemed to be a breach of protection order or an interim protection order covered under the Act.”

20. Rule 15 is for 'Breach of Protection Orders' granted under section 18 of the Act. Under Rule 15(7), if there is any resistance to the enforcement of the protection order as ordered by the Court either the respondent or any other person acting on his behalf can be dealt with under Section 31 of the Act. It is incorrect as found by the learned Magistrate that Rule 15(7) of the Rules, applies to every violation under DVC Act and can be prosecuted under Section 31 of the Act.

21. With great respect, the findings and interpretation in **Surya Prakash v. Smt.Rachna's** case (supra) of Madhya Pradesh Court and **Vincent Shanthakumar v. Smt.Christina Geetha Rani's** case (supra) of Karnataka

High Court, for the reasons discussed above, cannot be accepted.

22. In the result, the proceedings against the petitioners 1 to 3/A1, A2 and A4 in STC No.3 of 2022 and against petitioner/accused in STC No.4 of 2022 in DVC No.46 of 2022 on the file of II Additional Junior Civil Judge-cum-XIX Additional Metropolitan Magistrate, Cyberabad at Malkajgiri, are hereby quashed.

5. Accordingly, both the Criminal Petitions are allowed. Consequently, miscellaneous applications, if any pending, shall stand closed.

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**K.SURENDER, J**

Date: 28.04.2023.

Note: LR copy to be marked.

B/o.kvs

**HONOURABLE SRI JUSTICE K.SURENDER**

Criminal Petition No.7027 and 7033 of 2022

Date:28.04.2023

kvs