

Protection of Women from Domestic Violence Act, 2005 (43 of 2005), S. 12 – Proceedings under Section 12 of the D.V. Act is Civil in nature and not Criminal.

An application under Section 12 of the D.V. Act, does not, fit in the definition of a Criminal Court as it is not a criminal matter.

Magistrate deciding an application under Section 12 of the D.V. Act is not a Criminal Court trying an offence with the result that Section 4, Cr.P.C. would have no application to the matters before it.

Looking at the scheme of Section 28 of the D.V. Act, we are of the opinion that the legislature was conscious of the fact that the Magistrate was required to grant civil reliefs under Sections 18 to 22 of the D.V.Act.

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