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Clement Yong  
District Judge  
06 January 2022

**IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE\***  
**[2022] SGFC 02**

SS 320 of 2021  
HCF/DCA 130/2021

Between

VYW

*... Complainant*

And

VYV

*... Respondent*

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**JUDGMENT / GROUNDS OF DECISION**

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[Family Law] — [Family violence] — [Orders for protection]

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\* This judgment template has been adapted from the Supreme Court Judgment Template (Feb 2020).

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**VYW**

**v**

**VYV**

**[2022] SGFC 02**

Family Court — SS 320 of 2021  
District Judge Clement Yong  
22 September 2021

06 January 2022

**District Judge Clement Yong:**

### **Introduction**

1 This was an application by the Complainant-Wife (the “**Wife**”) for a personal protection order (“**PPO**”) against the Respondent-Husband (the “**Husband**”) pursuant to section 65(1) of the Women’s Charter (Cap. 353, 2009 Rev Ed) (the “**Woman’s Charter**”).

2 Parties appeared before me on 22 September 2021 for the hearing. After rejecting the Husband’s last minute request for an adjournment, I proceeded to hear the matter. Being satisfied that family violence had been committed by the Husband on the Wife, and that it is necessary for the protection of the latter, I granted the PPO. As the Husband has appealed against my decision, I now set out my grounds of decision.

**Facts*****Table of key timelines***

3 I shall begin by setting out below some relevant and important dates to these proceedings in the table below:

<b>S/N</b>	<b>Date(s)</b>	<b>Remarks</b>
1.	20 May 2009	The Parties got married.
2.	8 July 2019	The Wife alleged that the first incident of family violence took place.
3.	19 February 2021	The Wife alleged that the second incident of family violence took place. On the same day, the Wife moved out of the matrimonial flat with her four children and has since been living separately from the Husband.
4.	24 February 2021	The Wife took out the present PPO application. An Expedited Order (“ <b>EO</b> ”) was granted to the Wife.
5.	26 March 2021	The Wife filed a Writ of Divorce against the Husband.
6.	After 24 February 2021	The Wife alleged that the Husband continued to commit family violence against her.
7.	22 September 2021	The matter was heard before me and I granted the PPO.

***Background of the parties***

4 At the time of the hearing, the Wife was a 37 year-old homemaker. The Husband was a 54 year-old freelance management consultant. The parties have four children, all of whom are minors and of school-going age.

**Preliminary issue – Husband’s application for adjournment**

5 Before I go any further into the case, I deal with a preliminary issue relating to the Husband’s application for an adjournment of the hearing and why I rejected the request.

6 The Husband had on the morning of the hearing itself, applied for an adjournment of the hearing for the reason that he wants to engage a lawyer<sup>1</sup> by the name of Mr. Murthy to represent him. Being an undischarged bankrupt, the Husband therefore required the consent of the Official Assignee (the “**OA**”) to engage Mr. Murthy to act for him in this matter. The Husband informed me that he had written to the OA in the middle of August 2021 to seek permission<sup>2</sup> and urged me to allow him more time to engage Mr. Murthy.

7 If this was true, I would have no hesitation in considering the application favourably. However, the Wife’s counsel brought to my attention a letter from the OA dated 9 September 2021, where in respect of this matter the letter stated:

[6] We understand that the bankrupt had informed the Court that he was waiting for the Official Assignee’s permission to engage “*Mr Murthy*” of M/s Murthy & Co. to represent him in [SS no. xxx]. Based on our records, the bankrupt has not informed the Official Assignee that he is seeking M/s Murthy & Co to represent him in [SS no. xxx] and we have not heard from M/s Murthy & Co in respect of this matter.

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<sup>1</sup> NE, Day 1, Page 13, Line 23

<sup>2</sup> NE, Day 1, Page 11, Line 31

[Note: SS number has been redacted]

8 Given that the Husband's claim of having sought permission from the OA had been thoroughly debunked by the OA's letter, I found that granting an adjournment on the day of hearing would be overly prejudicial to the Wife, who objected to the adjournment application. I note that she had taken out the present application in February 2021 and has had to wait for an unusually long period of seven months to have her matter heard. Looking at the case history, I was satisfied that the interests of justice required that no further adjournments be granted as seven case conferences<sup>3</sup> had already been held, during which time the Husband asked for time to engage counsel and to file his documents. As at the date of hearing, he had done neither, not even writing to the OA for permission to engage Mr. Murthy for this matter. There were therefore no merits in the Husband's application, and I ordered that the hearing proceed as scheduled.

### **The Wife's case**

9 Turning now to the Wife's case, she filed an affidavit stating that the Husband had committed family violence on her twice, which led to her filing for a PPO. Even after she was successfully granted an EO on the same day she applied for the PPO, the Husband continued to stalk her, harass her, and use physical violence on her in blatant disregard of the EO. The Wife therefore submitted that a PPO should be granted based on these incidents of family violence committed on her.

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<sup>3</sup> Held on 15 March 2021, 24 May 2021, 17 June 2021, 8 July 2021, 29 July 2021, 19 August 2021, and 26 August 2021

***The First Incident***

10 First, the Wife highlighted an incident which took place on 8 July 2019 (the “**First Incident**”)<sup>4</sup> where in the course of an argument, the Husband grabbed her shoulders and forcefully tried to push her out of the study room. When she tried to fend off these physical attacks, he grabbed her wrists and, in doing so, the Wife suffered multiple cuts on her neck, forearms, and wrists. To this end, the Wife went to a clinic and even though she did not obtain a medical report, she adduced photographs taken contemporaneously showing the said injuries which she suffered.

***The Second Incident***

11 In the second and more recent incident (the “**Second Incident**”)<sup>5</sup> relied upon by the Wife for the present PPO application, she informed that parties had an argument on 19 February 2021. During that time, the Husband had grabbed her arm forcefully and pushed her backwards whilst shouting verbal insults at her. The Wife filed a police report and adduced photographs taken two days later showing bruises on her left arm arising from the altercation during the Second Incident. On the same day, following this incident, the Wife left the matrimonial home with the four children of the marriage.

***Events after the PPO was filed on 24 February 2021***

12 The Wife gave evidence that after she filed for a PPO, and in the context of her having already moved out of the matrimonial home, the Husband had tried to track her whereabouts and was in essence stalking her (the “**Stalking**

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<sup>4</sup> Exhibit C2 (Wife’s Affidavit dated 9 April 2021) at [12] – [13]

<sup>5</sup> Exhibit C2 (Wife’s Affidavit dated 9 April 2021) at [9] – [10]

**Incidents**)<sup>6</sup>. Specifically, on 25 February 2021, the Husband showed up at one of the children’s school to pass a bag to the Wife which he claimed contained the children’s belongings and a mobile phone, which was installed with a tracking application that enabled a user to track the location of the mobile phone as well as record all sounds and images in the vicinity. The Wife discovered this and disabled the application. Two days later, the said bag changed hands between the parties when the Husband took it for an outing with the children. After the outing, the Husband returned the said bag containing the same mobile phone to the Wife, and she noticed that the tracking application had been re-activated. She immediately disabled the tracking application on the mobile phone.

13 In another series of incidents (the “**Kallang MRT Incidents**”)<sup>7</sup>, the first time on 12 March 2021, the Husband located the Wife at Kallang MRT station and tried to follow her and their son for breakfast. The Wife approached police officers for assistance and the matter ended there. The second time happened on 29 March 2021. On this occasion, the Husband again located the Wife at Kallang MRT station and approached her whilst she was taking an escalator up to the platform level. The Husband then snatched the Wife’s mobile phone from her, and she struggled to retrieve her phone. In her attempt to do so, the Wife sprained her shoulder and scratched herself against the steps of the escalator. She also nearly fell down during this incident. Thereafter, the Wife made a police report the next day and the Husband was arrested. I note that at the time of this incident, the EO granted against the Husband was in force.

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<sup>6</sup> Exhibit C2 (Wife’s Affidavit dated 9 April 2021) at [15] – [17]

<sup>7</sup> Exhibit C2 (Wife’s Affidavit dated 9 April 2021) at [18] – [20]



14 Next, the Wife informed that after she left the matrimonial home due to the Second Incident, the Husband had continually harassed her by sending multiple WhatsApp messages to her and calling her when she did not respond to his messages (the “**Harassment Incidents**”)<sup>8</sup>. By the time the Wife filed her affidavit on 9 April 2021, she had received an incessant number of missed calls and messages from the Husband even though she had informed him that she did not want to meet him in light of the EO. The Wife neatly set out details of these missed calls as follows:

- (a) 20 February 2021 – 56 missed calls;
- (b) 22 February 2021 – 16 missed calls;
- (c) 23 February 2021 – 22 missed calls;
- (d) 24 February 2021 – 8 missed calls;
- (e) 25 February 2021 – 9 missed calls;
- (f) 26 February 2021 – 4 missed calls;
- (g) 27 February 2021 – 7 missed calls;
- (h) 6 March 2021 – 38 missed calls; and
- (i) 7 April 2021 – 5 missed calls.

15 In addition to these missed calls, the Husband had also sent numerous test messages to the Wife which she stated were calculated to cause her harassment, alarm, and distress. For example, he had accused her of not being

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<sup>8</sup> Exhibit C2 (Wife’s Affidavit dated 9 April 2021) at [24] – [26]

mentally stable, not being able to control her temper, and being guilty of mistreating the children, all of which the Wife claims are false allegations. In giving oral evidence, the Wife took the court through each of these specific messages sent to her by the Husband which she felt had caused her harassment. I have reproduced these messages in Annex 1 below.

16 Finally, the Wife highlighted one more incident which took place on 7 April 2021 (the “**School Commotion**”)<sup>9</sup> at one of the children’s schools whilst she was there to pick up the child. On that day, the Husband had also gone to the school and coincidentally, the court process server was there to serve divorce papers on the Respondent. The Husband then threw a fit and caused a huge commotion, calling the Wife an “animal” and accused her of causing his bankruptcy. He had also said to the Wife<sup>10</sup>: “Are you a human or not? Are you a dog? No. You are not even a dog. You’re worse than a dog.” In a photograph taken by the Wife<sup>11</sup> showing the incident, the Husband could be seen at the school kneeling on the ground with both of his hands clasped in the air, right in front of a staff member of the school<sup>12</sup>.

### **The Husband’s case**

17 The Husband did not file any affidavit despite being given five months to do so. Nonetheless, I allowed him to give his evidence orally. In cross-examining the Wife, the Husband said that he did not deny that the above-

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<sup>9</sup> Exhibit C2 (Wife’s Affidavit dated 9 April 2021) at [27]

<sup>10</sup> NE, Day 1, Page 29, Lines 4-6

<sup>11</sup> Exhibit C2 (Wife’s Affidavit dated 9 April 2021) at Tab 9

<sup>12</sup> NE, Day 1, Page 24, Line 32

mentioned incidents happened<sup>13</sup>. However, when he gave oral evidence, the Husband disputed parts of the Wife's accounts, which I shall now set out.

18 In response to the First Incident, the Husband said<sup>14</sup> that he did not cause her injury. He said that the Wife's injuries were self-induced when she hit herself with the bathroom door. The Husband claimed that the Wife's account of this incident was a fabrication.

19 In response to the Second Incident, the Husband replied that no such thing happened on that day<sup>15</sup>, and that the evidence was fabricated by the Wife. He also claimed that the injuries in the photographs she adduced were self-inflicted.

20 In response to the Stalking Incidents, the Husband testified that the mobile phone was for one of the children, and the mobile phone had this feature in case it went missing<sup>16</sup>. He also said that the Wife could easily turn off the mobile phone if she wanted to, and he had in any event been given her new address so there was no reason for him to stalk her. When asked why the mobile phone had the tracking application re-activated when it was returned to the Wife, the Husband attributed it to "built-on features<sup>17</sup>" and said that the Wife could have just returned the mobile phone to him.

21 In response to the Kallang MRT Incidents, the Husband testified that he did not track the Wife to Kallang MRT. As regards the specific incident on 29

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<sup>13</sup> NE, Day 1, Page 28, Line 11

<sup>14</sup> NE, Day 1, Page 36, Lines 12-18

<sup>15</sup> NE, Day 1, Page 40, Line 16

<sup>16</sup> NE, Day 1, Page 44, Line 6

<sup>17</sup> NE, Day 1, Page 45, Line 10

March 2021, the Husband testified that on the escalator, he saw that the Wife's handphone was about to drop. Hence, he grabbed the handphone and returned it to the Wife immediately<sup>18</sup>. Essentially, the Husband denied having snatched the Wife's phone out of her hand.

22 As regard the Harassment Incidents, the Husband said that in respect of the missed phone calls made on 20 February 2021<sup>19</sup>, it was the police who had called the Wife and not him. As for the other missed phone calls made by the Husband, he explained that he had called her on those multiple occasions because she had not replied to him and this made him worried<sup>20</sup>. The Husband denied accusing the Wife of being mentally unstable or being unable to control her temper and mistreating the children. He elaborated that the Wife would beat the children when she is stressed<sup>21</sup>.

23 In response to the School Commotion, the Husband explained that when the court process server was present, he had spoken politely<sup>22</sup> to the Wife and asked her to send the document to his office instead. He admitted to begging the Wife and kneeling down on the ground, but states that the Wife was lying when she said that she was disturbed.

24 The Husband also alleged that the Wife's motivations for filing the PPO was to get a divorce, and it was not for the protection of herself<sup>23</sup>. He claimed that the Wife could not have been truly concerned about her protection as she

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<sup>18</sup> NE, Day 1, Page 48, Line 9

<sup>19</sup> NE, Day 1, Page 51, Line 11

<sup>20</sup> NE, Day 1, Page 52, Line 3

<sup>21</sup> NE, Day 1, Page 55, Line 4

<sup>22</sup> NE, Day 1, Page 56, Line 7

<sup>23</sup> NE, Day 1, Page 38, Line 14

would still return to the matrimonial home every now and then despite having moved out<sup>24</sup>.

### The Law

25 In *UNQ v UNR* [2020] SGHCF 21 at [22] – [28], the High Court succinctly set out the law on the granting of PPOs, which I now reproduce below:

[22] The court is empowered to make a protection order under s 65(1) of the Charter, which states:

#### **Protection order**

**65.**—(1) The court may, upon satisfaction on a balance of probabilities that family violence has been committed or is likely to be committed against a family member and that it is necessary for the protection of the family member, make a protection order restraining the person against whom the order is made from using family violence against the family member.

[23] There are thus two threshold requirements that must be met before a court may grant a PPO:

(a) First, the court must be satisfied that family violence has been committed or is likely to be committed.

(b) Second, the PPO must be necessary for the protection of the family member.

[24] Whether these threshold requirements have been established is an assessment the court makes on the balance of probabilities, and not on the criminal standard of proof of “beyond reasonable doubt”.

[25] Family violence is defined in s 64 of the Charter as follows:

“family violence” means the commission of any of the following acts:

(a) wilfully or knowingly placing, or attempting to place, a family member in fear of hurt;

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<sup>24</sup> NE, Day 1, Page 38, Line 30

(b) causing hurt to a family member by such act which is known or ought to have been known would result in hurt;

(c) wrongfully confining or restraining a family member against his will; or

(d) causing continual harassment with intent to cause or knowing that it is likely to cause anguish to a family member, but does not include any force lawfully used in self-defence, or by way of correction towards a child below 21 years of age

[26] Based on the statutory definition, family violence may be found in a variety of circumstances. Physically abusing a family member will constitute family violence under limb (b) of the definition where hurt (defined in s 64 of the Charter as bodily pain, disease or infirmity) was caused by an act that was known or ought to have been known would result in hurt. Acts that fall short of physical hurt but are committed to place a family member in fear of hurt, or where the respondent attempts to place the family member in fear of hurt, may also constitute family violence under limb (a) if such acts are committed *wilfully* or *knowingly*. Similarly, causing continual harassment to a family member may amount to family violence under limb (d). The requisite intention or knowledge in limb (d) is quite specific – it is causing continual harassment with *intent to cause* or *knowing that it is likely to cause anguish* to a family member. Whether the person possessed the necessary intention or knowledge at the time will be inferred from all of the circumstances of the case. For example, while a person may deny possessing any intention to cause anguish to a family member by continual harassment, the court may infer that he or she did possess such an intention or knowledge based on the state of the parties' relationship at the time, or evidence of the communications between the parties at the relevant period.

[27] A PPO restrains the named respondent from using family violence against the protected person and may be accompanied by related orders such as granting the right of exclusive occupation of a shared residence to the protected person (see 65(5)(a)) or referring the respondent, the protected person, or both persons or their children to attend counselling (see s 65(5)(b)).

[28] The civil standard of proof that is applied in determining whether PPOs ought to be granted (see [24] above) emphasises that the proceedings before the court are civil proceedings and not criminal proceedings (see also *Tan Hock Chuan v Tan Tiong Hwa* [2002] 2 SLR(R) 90 at [8]). At the same time, it is important to recognise that the protection conferred by a PPO carries with

it criminal sanctions. Any person who wilfully contravenes a PPO will be guilty of an offence and liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding six months or to both (see s 65(8) of the Charter). This is an arrestable offence. If a police officer has reason to suspect that a person has wilfully contravened a PPO, the police officer may arrest the person without a warrant (see s 65(11) of the Charter and ss 2, 17(1) and 429(19) of the Criminal Procedure Code (Cap 68, 2012 Rev Ed)). In light of the criminal consequences that follow a breach of a PPO, ordering one is not a decision a court would take lightly.

26 As regards the necessity of whether a PPO should be granted, I refer to the oft-cited passages below, from the case of *Yue Tock Him @ Yee Chok Him v Yee Ee Lim* [2011] SGDC 99:

[9] In *IS v IT* [2005] SGDC 66, in dismissing an application to rescind a personal protection order, District Judge Jeffrey Sim stated:

I accept as valid the wife's concern that if the PPO which serves as a restraint is rescinded, there would be no boundaries and the husband may commit more serious acts of family violence against her. In the circumstances, I was of the view that the PPO was still necessary for her protection and accordingly I declined to rescind it.

[10] It is therefore clear from the judgment in *IS v IT* that necessity in this context is measured on the basis of whether there are likely to be further acts of family violence committed against the victim in the event that a personal protection order is not granted. This must clearly be correct as a personal protection order is not a punitive measure to punish a person for past violence but is instead an order that serves to *restrain* the person concerned from committing family violence in future. Therefore, if there will be no family violence in future, it serves no purpose to restrain the party concerned, and it must follow that a personal protection order would not be necessary.

27 I also highlight the High Court case of *Teng Cheng Sin v Law Fay Yuen* [2003] 3 SLR(R) 356 ("*Teng Cheng Sin*"), which facts appear somewhat similar to the present case. In that case, the parties' marriage ran into difficulties and the wife left the matrimonial home, returning only on occasions. On one of

those occasions, she claimed that her husband assaulted her. In spite of the latter's denial, the lower court granted a PPO to the wife and this decision was upheld on appeal. One relevant point heard on the appeal concerned the district judge referring to an incident which happened subsequent to the complaint. On this, the High Court noted:

[19] The complaint arising from the admission of the wife's evidence of another incident on 24 August 2002 was more significant. Counsel said that the husband was taken by surprise, as well he would, since the hearing was properly in respect of an incident of 2 January 2002.

[20] The district judge should not have allowed evidence of a disputed incident which occurred two-and-a-half months after the application was made.

28 It is against the backdrop of these authorities that I now turn to the facts of the case and give my decision.

### **My decision**

29 Following the approach as set out above, I first consider if family violence had been committed by the Husband against the Wife. On the First Incident, I was not convinced by the Husband's explanation that the Wife's injuries were self-induced due to her hitting herself against a bathroom door. The contemporaneously-taken photographs of the injuries showing multiple cuts on her neck, forearms, and wrists are simply not consistent with those of being hit by a door.

30 On the Second Incident, I was again not convinced by the Husband's bare denial. The injuries suffered by the Wife as seen in the contemporaneously-taken photographs do suggest that some kind of force must have been inflicted on her which caused the various bruises seen on her body. Therefore, in the absence of any evidence to the contrary, I find that the Wife had proven on a



balance of probabilities that the Husband had caused hurt to her on these two occasions by committing such acts which are known or ought to have been known would result in hurt under limb (b) of the family violence definitions.

31 The Wife's evidence was internally and externally consistent, she had gathered the necessary evidence in a timely manner and had made sought medical attention and made police reports promptly. Against this backdrop, the Husband's incredulous explanations and bare denial were hardly persuasive, much less plausible. At this juncture, I find that family violence is already disclosed based on these two incidents, without further reference to the post-PPO application incidents.

32 Before I move on to consider whether a PPO is necessary for the protection of the Wife, I pause to contemplate the High Court's remarks in *Teng Cheng Sin* regarding the admissibility of post-PPO application events, as set out above. Since then, at least two other first instance courts have interpreted these remarks to mean that evidence regarding incidents occurring after the application of a PPO should not be allowed<sup>25</sup>, as the PPO hearing is (only) in respect of the incidents that gave rise to the application<sup>26</sup>.

33 Respectfully, I would depart from this rigid interpretation of the High Court's remarks. In my view, the remarks must be read contextually. It was only after the High Court observed at [19] that counsel submitted that the husband was taken by surprise that the High Court held at [20] that evidence of a disputed incident which occurred two-and-a-half months after the application was made should not be allowed. On a literal reading of *Teng Cheng Sin*, it is not clear if

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<sup>25</sup> See *Yue Tock Him Yue Tock Him @ Yee Chok Him v Yee Ee Lim* [2011] SGDC 99 at [118]

<sup>26</sup> See *VIJ v VII* [2021] SGFC 29 at [98]

the High Court intended for [20] to be read in such a strict manner as the above two cases suggest.

34 In the present case, the Husband could not be said to have been caught by surprise by the Wife's evidence on incidents which happened after she filed for a PPO, given that he had been in receipt of the Wife's affidavit for more than five months before the hearing commenced, and he chose not to file an affidavit despite being given multiple opportunities by the court to do so. It would therefore not be in the interests of justice to deny the Wife the opportunity to adduce her post-PPO application evidence (although the question of weight is a separate matter) on the ground that the Husband was caught off-guard by her evidence.

35 More importantly, if I took the remarks in *Teng Cheng Sin* to its logical conclusion, this would mean that each time a respondent commits family violence, the complainant would have to take out fresh PPO summons. This can possibly lead to either one of two absurd outcomes. First, a respondent can deliberately continue to commit family violence so that the new cases will stack up and consolidate on a rolling basis, leading to an indefinite postponement of the hearing. Second, if each summons is heard on its own, it may possibly never satisfy the necessity limb under section 65 of the Women's Charter given that each incident will be viewed as a one-off even though if considered collectively, they may well warrant the granting of a PPO.

36 Further, if a complainant is not allowed to adduce evidence of incidents happening after a PPO is filed, this would create a perverse incentive for a respondent to game the system by requesting multiple adjourns during case conferences, albeit for legitimate reasons on the face of things, so that by the time the matter is heard, the respondent can rely on the passage of time to argue

that a PPO is no longer necessary when such an argument would otherwise not be available to him at the time of the hearing, had it been held in a timely manner.

37 In the present case, whilst I make no findings of any improper motives by the Husband in seeking multiple adjournments at the case conferences, I have to consider the practical effect of such a delay on the fairness of the proceedings. This delay of seven months from the time the PPO was filed to the time the matter was heard was a result largely of the Husband's own doing. He had sought multiple adjournments to engage counsel, even going so far as to inform the court that he had written to the OA for permission to engage Mr. Murthy. It later transpired that no such application was made.

38 Applying the law to facts, if I had adopted a strict reading of *Teng Cheng Sin* at [20], I would then have had to disregard all of the Wife's evidence relating to the post-PPO application events. Given that only two such incidents before the PPO application were pleaded, with the First Incident occurring two years before the application, I would then be left to consider the Second Incident in isolation. In such a scenario, I would have dismissed the application on grounds that a substantial gap of time existed between the two incidents and the Second Incident was in any event one-off and hence PPO protection wasn't necessary for the Wife.

39 However, such an outcome would be manifestly unfair to the Wife. In the interests of justice, I was not prepared to adopt such a strict reading of the High Court's remarks in *Teng Cheng Sin* at [20]. Instead, I would err on the side of caution and infer that the High Court in *Teng Cheng Sin* could not have intended for [20] to be interpreted in such a way to facilitate outcomes as absurd

and perverse as I had described above. I therefore allowed, in this case, evidence to be given relating to the post-PPO application incidents.

40 Addressing now the various post-PPO application incidents alleged by the Wife in the context of considering whether it is necessary that a PPO be granted for her protection, I accept the Wife's evidence in its entirety and find that family violence had been committed by the Husband. Specifically, limb (d) was disclosed in the Stalking Incidents and the Harassment Incidents. Limb (b) was disclosed following the Kallang MRT Incidents. I now deal with each limb in turn.

41 In relation to limb (d), continual harassment is made out if the Husband had caused continual harassment with *intent to cause or knowing that it is likely to cause anguish* to a family member. Despite his denial, the court may infer from his conduct that he did possess such an intention or knowledge based on the state of the parties' relationship at the time, or evidence of the communications between the parties at the relevant period.

42 As regards the Stalking Incidents, I accept the Wife's evidence that the Husband had re-activated the tracking application in the mobile phone which he passed to her. His explanation that the Wife could have simply turned off the mobile phone or returned it to him is of itself not a denial of the Wife's allegation. On the facts, considering that the Wife had just moved out of the matrimonial home at the time of that incident and had taken pains to avoid disclosing her address to him<sup>27</sup>, I infer that the Husband had acted in a manner knowing that it is likely to cause anguish to the Wife, especially since the mobile

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<sup>27</sup> NE, Day 1, Page 75, Line 3

phone application was not only capable of tracking location, but also recording sounds and images in the vicinity.

43 As regards the Harassment Incidents, I accept the Wife's evidence that the Husband had sent her multiple text messages and called her multiple times despite her refusal to talk to him. In all, the Husband had made a total of 165 missed calls to her on nine separate days. I did not accept the Husband's bare denial or explanation that it was the police who called the Wife, given that he did not even correctly identify the date of the calls purportedly made by the police<sup>28</sup>. As regards the text messages, they do appear insulting and threatening, considering that these messages were sent to the Wife after she specifically moved out of the matrimonial home to distance herself from the Husband. I therefore inferred that the Husband must have known that his actions of persistently calling the Wife and sending her threatening text messages were likely to have caused anguish to her.

44 In view of the above, both the Stalking Incidents and the Harassment Incidents had been proven on a balance of probabilities by the Wife. The Wife had also elaborated on the effect of being subject to the Husband's stalking and harassment in her police report<sup>29</sup>, where she said that "[a]s a result of his harassing conduct, I have always been living in constant fear that his harassing conduct would escalate further. I sincerely hope that the police can take prompt action against [the Husband]". It was clear that the Wife was at her wits' end, as the Husband had brazenly carried out these actions despite an EO having already been granted against him. I therefore found it necessary that a PPO be

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<sup>28</sup> NE, Day 1, Page 51, Line 11. The Husband identified the date of the police calling the Wife to be on 20 February. However, details of the missed calls as informed by the Wife did not even include 20 February.

<sup>29</sup> C2, Page 40

ordered against the Husband to refrain him from committing acts of continual harassment against the Wife in future.

45 In relation to limb (d), physical abuse of a family member will constitute family violence if hurt (defined in the Women's Charter as bodily pain, disease, or infirmity) was caused by an act that was known or ought to have been known would result in hurt. With reference to the Kallang MRT Incidents, the Husband denied that he had snatched the mobile phone from the Wife's hands on the escalator and explained that he grabbed it only because it was about to drop. If that were true, the Wife's reaction of struggling to retrieve her mobile phone, spraining her shoulder and scratching her body in the process (which the Husband did not deny), and making a police report on the same day to report the incident would have made no sense. I therefore accept the Wife's evidence and find that the Husband, in snatching the mobile phone from the Wife, had committed an act which he ought to have known would result in hurt to the Wife in the moment she acted to recover the mobile phone which was forcefully snatched from her.

46 As the First Incident, Second Incident, and the Kallang MRT Incidents fall within the limb (d) definition of family violence, I find that the Husband had committed physical violence on the Wife, and she is genuinely in fear of him. For instance, the Husband argued that the Wife does not fear him because she still returns to the matrimonial home every now and then. Unfortunately, this is not a point in favour of the Husband, because the Wife explained that she goes home only when she thinks the Husband is away in office<sup>30</sup>, and even then, it was just for her to retrieve some of her work items from the house<sup>31</sup>. Given the Husband's history of committing physical violence on the Wife, and her

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<sup>30</sup> NE, Day 1, Page 73, Line 29

<sup>31</sup> NE, Day 1, Page 74, Line 11

genuine fear of the Husband, I found it necessary to grant a PPO for the Wife's protection.

47 For completeness, I now address the School Commotion incident. I did not think the Husband's behaviours on that day, whilst potentially embarrassing for himself and those around him, amounted to continual harassment. The evidence did not indicate that the Husband had gone to the school to harass the Wife, and he was in all likelihood taken by surprise when the court process server showed up, possibly causing him to react the way he did. As his behaviours did not fall within any of the limbs of family violence, I did not take into account this incident in ordering that a PPO be granted against the Husband.

### **Conclusion**

48 To conclude, it must be said that any form of violence cannot be condoned, all the more so in the family context. The Husband's behaviours, especially those committed after the Wife had taken out the PPO application, reinforced my view that a PPO is necessary to restrain him from committing family violence in the future.

49 That said, the events which led to the granting of a PPO may be symptomatic of deeper underlying issues between the parties. Given that both parties would benefit from counselling to address the main underlying issues between them, I thereby exercised my discretion and ordered the parties to attend counselling pursuant to section 65(5)(b) of the Women's Charter.

50 The Husband will do well to remember that the PPO granted against him may not be permanently in force. If the circumstances sufficiently change such that the PPO is no longer necessary for the protection of the Wife, the Husband is at liberty to take out an application to vary or discharge the PPO against him.

In the meantime, he should seize the present opportunity to attend the counselling sessions diligently and work on positive changes in his life.



Clement Yong  
District Judge



Mr. Tay Choon Leng John (John Tay & Co.) for the Complainant;  
The Respondent in Person.

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**Annex 1: Text Messages sent by the Husband to the Wife**

A.1 With reference to [15] above, the text messages sent by the Husband to the Wife were adduced in pages 43 to 97 of the Wife’s affidavit in C2. I reproduce below the (redacted) relevant extracts from C2 highlighted to the court during the Wife’s oral testimony:

Page no.	Message text
43 <sup>32</sup>	<p>2/19/21, 8:30 PM : Final warning</p> <p>You carry out children without my permission.</p> <p>Bring home by 930pm</p> <p>If you made false report you face criminal offense.</p> <p>Do not made excuses on your wrong doings.</p> <p>2/19/21, 8:31 PM : Final warning</p> <p>You carry out children without my permission.</p> <p>Bring home by 930pm</p> <p>If you made false report you face criminal offense.</p> <p>Do not make excuses on your wrong doings.</p> <p>2/19/21, 8:32 PM : Final warning</p>
43 <sup>33</sup>	<p>If you made false report you face criminal offense.</p> <p>Do not make excuses on your wrong doings.</p> <p>2/19/21, 11:45 PM - Ray-PG: You continue making mistake and breaking the law! You regret for life!</p> <p>2/19/21, 11:45 PM : You continue making mistake and breaking the law! You regret for life!</p> <p>2/19/21, 11:45 PM : You continue making mistake and breaking the law! You regret for life!</p>
44 <sup>34</sup>	<p>2/20/21, 2:21 AM : I am reporting you to police</p> <p>2/20/21, 2:21 AM : missing with 4 children</p>
45 <sup>35</sup>	<p>2/20/21, 8:05 PM : You threaten to throw children out fr the high building</p>

<sup>32</sup> NE, Day 1, Page 69, Line 9

<sup>33</sup> NE, Day 1, Page 69, Line 20

<sup>34</sup> NE, Day 1, Page 70, Line 28

<sup>35</sup> NE, Day 1, Page 69, Line 25

<p>69<sup>36</sup></p>	<p>3/5/21, 9:43 AM : Dear, not to worry about broken clothe hangers, can get new ones, pls keep your temper in control, pls don't use violence against our lovely children, they need father and mother, as you always preached children need both mother and father for them to grow healthy in their childhood, our children want both father and mother in their childhood, this is their right to have parenthood of father and mother concurrently, you must not take their right away. You always said those children raised in single parent, are not balance in their life.</p>
<p>70<sup>37</sup></p>	<p>3/5/21, 4:02 PM : Are you stressful and getting fatigue easily, as shown?</p>

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<sup>36</sup> NE, Day 1, Page 72, Line 10

<sup>37</sup> NE, Day 1, Page 72, Line 14