IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGFC 2

SS 2415/2024 and SS 2453/2024
HCF/DCA 106/2025 and HCF/DCA 107/2025

Between

XXG

… *Appellant*

And

XXH

… *Respondent*

GROUNDS OF DECISION

[Family Law] – [Family Violence] – [Causing Hurt]

[Family Law] – [Family Violence] – [Procedure] – [Failure to include claimed incidents of family violence in complaint form]

[Family Law] – [Family Violence] – [Procedure] – [Effect of withdrawal or dismissal]

[Family Law] – [Family Violence] – [Effect of warnings issued by police]

[Family Law] – [Family Violence] – [Reasoning by propensity]

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v
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[2026] SGFC 2

Family Court — SS 2415 and SS 2453 of 2024
District Judge Azmin Jailani
16, 21 April 2025, 29 August 2025, 12 September 2025

6 January 2026

District Judge Azmin Jailani:

Introduction

1 This decision relates to two cross-applications by former spouses[1] for a personal protection order ("PPO") against each other. Brief details of parties' respective applications are as follows:

(a) SS 2415/2024 ("SS 2415") - the ex-husband's ("H") application for a personal protection order against the ex-wife ("W"). H commenced SS 2415 on 23 December 2024.

[1] Former spouses fall within the definition of a "family member" under the Women's Charter 1961.

(b) SS 2453/2024 ("SS 2453") – W's application for the same relief against H. W commenced her application on 30 December 2024, one week after H commenced SS 2415.

(collectively, the "Applications")

2 The Applications relate principally to an incident which took place on 30 November 2024 at W's residence. That being said, W had, in her complaint form, also referred to an incident on 6 October 2024.

3 I further note that W had, in her affidavit, raised other incidents. However, not only were these incidents absent in her complaint form, they already formed the subject matter of prior protection order proceedings which have concluded. I touch on the legal effect and relevance of these other incidents later below.

4 From above overview, it would be apparent that this is not the first time parties have come before this court to resolve their disputes. Indeed, apart from personal protection applications, parties' divorce proceedings was concluded a little over a year ago. Parties also filed other applications in connection with the divorce. I make these preliminary observations because it sets out the unfortunate state of parties' animosity and distrust with each other. What was more unfortunate is that whilst parties continue to lock horns with one another, the sole child of their marriage continues to be the unwitting collateral of their animosity.

5 Turning back to the Applications, after hearing parties and considering their respective documents and submissions, I granted H's application in SS 2415 and dismissed W's application in SS 2453. In other words, I granted H his

PPO against W, and dismissed W's application for a PPO against H. I provided parties with a written brief setting out the reasons for my decision.

6 Dissatisfied, W has appealed against both decisions. I now set out fuller grounds for my decision.

Background[2]

The parties

7 Parties were married in February 2018. H commenced divorce proceedings in May 2023. Interim judgment was granted in November 2023. Orders relating to the ancillary matters were made on 30 July 2024, with final judgment granted on 31 July 2024.

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[2] Parties' documents comprise of the following:

(1) Parties' respective complaint forms.

(2) H's Affidavit of Evidence in Chief ("AEIC") dated 10 February 2025 ("H AEIC").

(3) W's AEIC dated 3 March 2025 ("W AEIC").

(4) The AEIC of B ("TS") dated 4 February 2025 ("TS AEIC"). TS was a witness who submitted evidence in favour of W.

(5) H's Closing Written Submissions ("HWS").

(6) W's Closing Written Submissions ("WWS").

(7) W's Bundle of Authorities ("WBOA").

(8) W's audio recording (and transcripts of same) taken on 30 November 2024, which were only tendered on the first day of the hearing.

In addition to parties' documents, the following transcripts formed part of the record of these proceedings:

(1) Hearing transcript on 16 April 2025 ("NE Day 1").

(2) Hearing transcript on 21 April 2025 ("NE Day 2").

8 There is only one child to the marriage (the "Child"). The Child, a girl, was born in January 2019.

Previous protection order proceedings

9 As noted earlier, parties were involved in earlier protection order proceedings before the Applications. In this regard, W had commenced the following applications against H:

(a) SS 1100/2023 ("SS 1100")[3]; and

(b) SS 226/2024 ("SS 226").

10 In SS 1100, W had relied on, among others, an incident which took place on 11 March 2023. However, W had withdrawn the matter on H's undertaking not to commit family violence against W and the Child. At the time W withdrew her application in SS 1100, W was represented[4]. Notwithstanding the withdrawal of SS 1100 (and correspondingly her reliance on the incident on 11 March 2023), W sought to rely on this same incident for the purposes of the present Applications. Furthermore, this incident was not included in her complaint form for SS 2453. It was only in her AEIC where W made mention of this incident[5].

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3 W's application for a protection order in SS 1100 was for herself and the Child.

4 For clarity, at the time of SS 1100, W was represented by different counsel, and not her present counsel, Mr. Singh, in these proceedings.

5 For completeness, in her evidence, W also sets out, in connection with the 11 March 2023 incident, alleged acts of family violence that spanned from 2020 to 2023, *none of which* were highlighted in her complaint form for SS 2453.

11 As regards SS 226, W had relied on an incident which took place on 3 February 2024. After a full adjudication of the matter, this court dismissed W's application. Notwithstanding the dismissal of SS 226, W sought to rely on and/or refer to the incident of 3 February 2024 in the present Applications. Again, as with the incident of 11 March 2023 in SS 1100, the 3 February 2024 was not included in W's complaint form for this SS 2453, and was only highlighted in her AEIC.

The Applications

12 As noted earlier, H commenced SS 2415 on 23 December 2024. W commenced SS 2453 on 30 December 2024.

13 In support of their respective applications, parties rely on the following incidents:

S/N	Date of Incident	Relied on by H	Relied on by W
1	11 March 2023[6]		☑
2	3 February 2024		☑
3	6 October 2024		☑
4	30 November 2024	☑	☑

14 As noted above, the incidents of 11 March 2023 and 3 February 2024 were *not* included in W's complaint form for SS 2453, and were also the subject matter of earlier proceedings. Only the incident on 6 October 2024 and the common incident of 30 November 2024 were included in W's complaint form.

15 As for H, he only relied on the common incident which took place on 30 November 2024.

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[6] For completeness, in her evidence, W also sets out, in connection with the 11 March 2023 incident, alleged acts of family violence that spanned from 2020 to 2023, *none of which* were highlighted in her complaint form for SS 2453.

16 For ease of reference, I set out parties' positions on these incidents (where applicable) and my findings on the same collectively in the sections below.

Analysis and Findings

Applicable legal principles – statutory framework

17 Before addressing the incidents cited by parties, I briefly set out the legal principles applicable to these proceedings.

18 I begin with the statutory framework applicable to the Applications. In this regard, the applicable provisions relating to family violence are primarily found in Part 7 of the Women's Charter 1961 ("WC"). Part 7 WC underwent significant legislative amendments pursuant to the Women's Charter (Family Violence and Other Matters) (Amendment) Act 2023 (the "Amendment Act"), which came into effect on 2 January 2025. Essentially, the Amendment Act replaced Part 7 WC with a completely new version of the same. The new Part 7 WC provided for, among other things, a newer (and expanded) version of the definition of family violence, as well as an expanded list of protective orders which this court is now empowered to make.

19 For the purposes of the present Applications, the first issue to be determined is which 'version' of Part 7 applies – the version before or after the Amendment Act came into effect. In this regard:

(a) As noted earlier, the Amendment Act came into effect on 2 January 2025.

(b) SS 2415 and SS 2453 were commenced on 23 December 2024 and 30 December 2024 respectively, *before* the Amendment Act came into effect.

(c) A reading of the transitional provisions under the Women's Charter (Family Violence) Rules 2024 ("WC FV Rules") (see rule 11) and section 21(1) of the Family Justice (General) (Amendment) Rules 2024 indicate that absent any deeming provision[7], family violence applications commenced before 2 January 2025 are to be based on the substantive and procedural law in existence *before* the commencement of the Amendment Act.

20 As such, the applicable provisions of Part 7 WC are those which were in force before the Amendment Act. In fairness, neither party sought to suggest that the new Part 7 WC applied to the Applications. However, I found it useful to set out the legislative framework applicable to the present applications in light of the Amendment Act.

Applicable legal principles – requirements for a protection order

21 Further to the foregoing, the court's power to grant a protection order under the 'old' Part 7 is found in then section 65 WC, which provides that:

> **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

[7] For instance, rule 11(2) of the WC FV Rules provides that if an application for protection orders was commenced and pending before 2 January 2025, and was thereafter concluded after 2 January 2025, the relevant protection order made in that application "is deemed" to be the corresponding protection order under the new Part 7.

> 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.

22 From the above provision, it is well established that the court essentially undertakes a two-tiered analysis - first to establish the commission of family violence (or the likelihood of the same), and second, once family violence has been established, whether the protection order sought for is necessary or the protection of the relevant family member.

23 As regards the first stage, the phrase "is likely to be committed" underscores the pre-emptive approach to be adopted by the court, in that it is not necessary for a specific finding that family violence has *in fact* been committed (see *UTH v UTI (on behalf of child)* [2019] SGFC 27 and *UMI v UMK and UMJ and another matter* [2018] SGFC 53). In this connection, the first stage can be satisfied so long as the court arrives at an articulable conclusion that family violence is likely to have been or will be committed by the respondent in that case. Whilst the legislation is worded in a pre-emptive manner, it does not absolve an applicant of the burden of establishing the same to the sufficient degree of veracity. An applicant cannot say that he has the building blocks of his case if he/she does not even have straw to begin with.

24 As regards the second stage, the analysis is usually framed in the negative - in that it would generally be a respondent who bears the evidential or tactical burden of showing that a protection order is unnecessary despite a finding that family violence has been (or likely to have been) committed (see Leong Wai Kum, *Elements of Family Law in Singapore* (LexisNexis, 3rd Edition) at [5.017]).

25 As regards the burden and standard of proof, it is well established that an applicant bears the legal burden of proof of establishing the requirements under the then section 65 WC, and that the applicable standard of proof is that of a balance of probabilities. As to what constitutes family violence, the then section 64 WC provides the following definitions:

> "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;
>
> (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 or her will;
>
> (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 In her papers, W relies on the definitions of family violence found in sub-paragraphs (a), (b), and (d), whereas H relies on sub-paragraphs (a) and (b). For the purposes of the present Applications, what was clear to my mind was that both parties were substantively relying on the limb of 'hurt' under sub-paragraphs (a) and (b) to support their respective applications. To this end, I found the wife's reliance on the 'harassment' limb under sub-paragraph (d) did not assist her. With regard to "hurt", the old section 64 WC defines "hurt" as being bodily pain, disease or infirmity.

Step 1 – Has family violence been committed?

27 Against the backdrop of the foregoing, I now turn to the specific incidents relied on by parties in their respective documents and submissions.

11 March 2023 and 3 February 2024 - Incidents which were not included in the complaint form and the subject matter of previously concluded proceedings –

28 I start with the incidents of 11 March 2023 and 3 February 2024 relied on by W in support of SS 2453. As noted earlier, *both* incidents were not included in W's complaint form at the time she commenced her application in SS 2453.

(1) The effect of not including an incident in the complaint form

29 It is at this point where I found it apposite to first make some observations regarding the complaint form (which applies for proceedings under the 'old' and 'new' Part 7 WC) which an applicant is required to fill up when making his/her application:

(a) Section 179A WC[8] provides that any application under Part 7 WC is to be made in the same manner as an application for a summons to a District Court or Magistrate's Court under the Criminal Procedure Code 2010. This is more commonly referred to as a Magistrate's complaint.

(b) During the intake process, an applicant will be required to fill out a document generally known as a 'complaint form'. The complaint form will require the applicant to set out, among other things, the particulars of the latest incident of family violence which has been committed, as well as the particulars of the 'past incident(s) of family violence' which the applicant is relying on and/or wishes to refer to in support of his/her

[8] See also section 79 WC before the commencement of the Family Justice Reform Act 2023.

application. An applicant is then required to provide the date and time, place, brief details, type of violence and, where applicable, the injuries sustained (see Thean ed, *Law and Practice of Family Law in Singapore* (Sweet & Maxwell, 2nd Edition) ("*Law and Practice of Family Law"*) at [17.7.5])

(c) At the first court mention after the application is accepted and the summons is issued and served on the respondent, the incidents listed by the applicant in the complaint form will then be read out to the respondent. This is the first time in which a respondent is faced with the specific particulars (or charges) of family violence alleged to have been committed by him/her. These particulars form the premise in which parties are then referred to counselling to attempt to reach an amicable resolution. This counselling session is conducted by a counsellor in the Counselling and Protection Services department of the Family Justice Court).

(d) In the event that the matter is not resolved, parties will subsequently be given the conventional pre-trial directions for the preparation and submissions of affidavits and witness statements. More notably, parties will be provided with a copy of applicant's complaint form. This is in part to ensure that the respondent is aware of the allegations levelled against him/her, and what he/she needs to prepare to meet those allegations.

(e) From the brief sequence of events mentioned above, it will become apparent that the complaint form is akin to one's pleadings in civil cases, in that it set out the parameters of the applicant's case (which the respondent then has to meet). Moreover, given that it is the

applicant's application, he/she has complete and unfettered control of deciding what to include (or exclude) in that complaint. To this end, an applicant's power to choose the cards he/she wishes to play with comes the responsibility that if an applicant does not include a particular incident in the complaint form, he/she is taken not to rely on such incidents in support of the application.

(f) Whilst is it not uncommon for parties to subsequently attempt to include incidents which were originally not in the complaint form,[9] I am of the view that as a *starting point*, past incidents which were not included in the complaint form *should not* be considered as part of the court's assessment of the applicant's application. Unless there are special extenuating circumstances preventing an applicant from including a past incident he/she wishes to rely on in the complaint form, an applicant's initial decision not to include such incident in the complaint form indicates a considered decision not to rely on such an incident in support of his/her application.

(g) In my judgment, such an approach ensures that an applicant appropriately applies his/her mind on the scope of the application, making sure that at the very least, he/she has played his/her 'best' cards on the table. Such an approach also ensures procedural consistency and

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[9] For clarity, a distinction is to be made between incidents of family violence occurring *before* and *after* the commencement of the application. I make my observations in respect of incidents of family violence occurring *before* the commencement of the application which an applicant did not include in the complaint form.

For incidents occurring after the commencement of the application, I note the observations made in various authorities on the admission of evidence of incidents after the application was commenced (see *Teng Cheng Sin v Law Fay Yuen* [2003] 3 SLR(R) 356; *BCY v BCZ* [2012] SGDC 360).

propriety in affording the respondent a clear and proper opportunity to present his/her responsive case. This in turn prevents and any information asymmetry, which would affect the manner in which the court is able to effectively conduct the proceedings.

(h) In short, an applicant is required, at the outset, to take ownership of his/her application, and to carefully set out with sufficient clarity and details the incidents relied on in support of the application.

(i) Whilst the principles of natural justice dictate procedural propriety in a party's conduct, it is not lost on this court that family proceedings are dynamic in nature, and rarely conducted with the sort of particularity (or clarity) as commercial transactions. To this end, there may then be a temptation by parties to go the other extreme and adopt a 'everything and the kitchen sink' approach, citing incidents in the complaint form through a stream of consciousness without much thought.

(j) The effect of this is that what appears to be comprehensiveness actually amounts to prolixity. To borrow from the observations made by the High Court in *CVB v CVC* [2022] SGHCF 31 (at [5]), this is done with the "[hope] that the drainer left in the sink (ie, the unfortunate court) would sift out and salvage some useful items".

(k) While such instances cannot be wholly eradicated, in my judgment, this would be appropriately managed at various stages of the application, either at the intake stage before the duty judge, at the mentions stage, or ultimately at the trial stage. At each of these stages, the court is empowered with the procedural tools to prevent such abuse

(this includes the power to out as well as making the appropriate adverse cost orders).

30 For the above reasons, I was inclined to give little weight to these two incidents.

(2) The effect of a withdrawal and a dismissal order

31 While the foregoing alone would dispose of W's reliance of the 11 March 2023 and 3 February 2024 incidents completely, I found it apposite to also highlight why these two incidents should not have even been canvassed in the first place. Let me explain:

(a) As regards the 11 March 2023:

(i) This incident formed, in effect, the core incident in support of W's application in SS 1100. As acknowledged in her own submissions, W had withdrawn her application in SS 1100.

(ii) The effects of a party withdrawing his or her application are not controversial. By withdrawing the application, an applicant will not be able to rely on the incidents referred to in that application should the applicant decide to file a fresh application (see *Law and Practice of Family Law* at [17.7.19]). The jurisprudential prohibition is that the decision to withdraw the application concludes the matters raised therein, and therefore render those matters *res judicata*. The specific legal basis for this prohibition is founded on the extended doctrine of *res judicata* (ie, abuse of process) (see *Goh Nellie v Goh Lian Teck and others* [2007] 1 SLR(R) 453 (at [51] to [53]), which

was referred to by this court in *USC v USD* [2019] SGFC 6 (at [95])). Put another way, if a party chooses not to pursue a particular matter that forms the subject matter in formal proceedings, it does not lie in that party's mouth to try to resurrect and/or relitigate that point in subsequent proceedings. The principle of finality in litigation is well established and in my view, applies with greater force in family proceedings so that parties can focus on moving forward (see *WXD v WXC and another appeal and another matter* [2025] SGHCF 14 and *VTP v VTO* [2025] SGHCF 52 (at [28]), which was referred to by this court in *WWK v WWL* SGFC 118 at [3] to [4]).

(iii) Additionally, I note that *both parties* were represented at the time SS 1100 was withdrawn. There is nothing to suggest that W was unaware of the consequences of a withdrawal, especially so given that she had the benefit of counsel. She may not have liked the concession made (or feels that she felt that she was "manipulated"[10] into withdrawing the matter), but I was not inclined to accept that her withdrawal was equivocal. Put another way, apart from the bare contention of manipulation, there was nothing to suggest that such withdrawal be vitiated or downplayed.

(b) As regards the incident of 3 February 2024:

(i) The 3 February 2024 was an incident which had been fully adjudicated upon by this court and dismissed in SS 226. No

[10] WWS at paragraph 44

appeal was lodged against the dismissal of SS 226. This clearly renders the issue *res judicata*.

(ii) There can be little dispute that it would be both procedurally and/or substantively erroneous for W to rely on the 3 February 2024 incident in these proceedings. W is estopped (by cause of action estoppel and/or issue estoppel) from relying on the 3 February 2024 incident in these proceedings.

(3) Reasoning by propensity

32 In the event that I am wrong, and that some consideration be given to the 11 March 2023 and 3 February 2024 incidents, I found it necessary to set out the context in which these incidents were being relied upon by W:

> We wish to highlight that only the incident on 11 March 2023 and 3 February 2024 highlighted above was the subject of previous PPO applications taken out by [W]. Notwithstanding that one of the PPO applications was withdrawn, it is crucial to note that this **is still important to establish [H]'s past conduct** of violence and further this PPO application was only withdrawn as [H] had manipulated [W] into doing so.[11]
>
> (emphasis added)

33 What can be discerned from the above extract is W's contention that it was more probable than improbable that H had committed the more recent incidents of family violence *because of* these earlier incidents. Put another way, H committed (or was more likely to have committed) family violence on 6 October 2024 and/or 30 November 2024 because he had (on W's narrative) committed family violence o on 11 March 2023 and/or 3 February 2024.

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[11] WWS at paragraph 44.

34 This submission essentially amounts to reasoning by propensity (ie, a person's past misconduct increases his/her disposition or tendency to have committed the act presently charged with). In my view, this is an improper way to rely on such evidence (if at all). Indeed, the rejection of the use of such surrounding evidence was mentioned (albeit in the criminal context) by the High Court in the recent case of *PP v Soh Jing Zhe and another* [2024] SGHC 331.

35 For those reasons, I was not inclined to rely on the 11 March 2023 and 3 February 2024 incidents in my assessment. In fairness, at the hearing, Mr Singh, W's counsel, was not relying on these incidents for the purposes of establishing the first step of the assessment. Instead, Mr Singh alluded to this court's decision in *XFL v XFN* [2024] SGFC 103, for the purpose of seeking to establish a conduct of violence by H, and the necessity of a protection order[12].

36 Whilst the observations made in *XFL* on the factors to be considered in determining whether a protection order is necessary are not particularly controversial, I am of the view that this decision does not take W much further. This is because the critical distinction is that the 11 March 2023 was specifically *withdrawn* by W, and the 3 February 2024 incident has already been *dismissed* by this court. W might personally feel that H had committed violence against her during these two incidents, but there is no legal basis in which this court ought to consider these incidents in light of their withdrawal or dismissal.

6 October 2024 incident

37 I turn next to the incident on 6 October 2024. W's narrative as regards this incident can be summarised as follows:

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12 WWS at paragraph 57 to 59

(a) On the said date, H attended at W's residence "unannounced and demanded to pick up [the Child]".[13]

(b) As the Child was apparently reluctant to follow H, H had requested to speak with W in a separate room privately. In that room, H had taken a "very intimidating tone and unleased a series of threats"[14]. This included him threatening to seek sole custody of the Child.[15]

(c) During this time, H suddenly grabbed [W]'s neck with his right hand and shoved [W] backwards.[16] As H tightened his grip, he taunted the words "beat, beat" repeatedly in rage.[17] As a result of H's actions, W's head struck the bedframe in the room.[18]

(d) After committing the aforementioned acts of family violence, H left the room and left W's residence. As H was leaving W's residence, W asked whether H beating her made him "feel good".[19]

(e) After leaving W's residence, H then called W in a "cold and threatening"[20] manner, essentially warning W not to report the assault.

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13 WWS at paragraph 37

14 W AEIC at paragraph 22

15 *Ibid*

16 W AEIC at paragraph 25.

17 *Ibid.*

18 WWS at paragraph 38.

19 W AEIC at paragraph 27.

20 W AEIC at paragraph 28.

In doing so, he also issued a condescending statement to the effect that W would have to eat faeces if she were to report what happened.[21]

38 In support of her case, W submitted the following documents:

(a) Her police report which she made on the same day;[22]

(b) an audio recording (and transcript) of H's conversation with W where he had made the comment about W eating faeces;[23]

(c) a discharge summary and medical certificate from Sengkang General Hospital;[24] and

(d) a conditional warning administered by the police.[25] I pause here and note that H has previously been issued a earlier warning by the police in connection with the 11 March 2023 incident.[26]

39 Not surprising, H denies committing any form of family violence against W in the room that day. That said, H's evidence on this incident in his AEIC is relatively brief. It also bears mentioning that H did not spend much timing cross-examining W about this particular incident.

40 In his affidavit, H states the following:

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21 *Ibid.*

22 W AEIC at pages 29 to 32.

23 W AEIC at pages 33 to 34.

24 W AEIC at pages 35 and 36.

25 W AEIC at page 28.

26 W AEIC at page 21

> For the 2nd police case in which I received a conditional warning, it was related to an incident on 6 Oct 2024 where my ex-wife alleged I had threatened her and strangled her. Like the incident mentioned above, I rejected such an allegation and submitted my statement to the police. The Deputy Public Prosecutor, looking at the statements submitted, decided not to bring this case to trial and instead issue a conditional warning. This warning was given without me ever accepting that I had indeed ever committed such an offense, and without the full facts and arguments being heard infront [sic] of the courts.

41 At the hearing, H tried to explain that he did not include as much detail regarding the 6 October 2024 incident because he was focusing mainly on the 30 November 2024 incident. In addition, he apparently had issues having access to W's complaint form.[27] To this end, whilst categorically denying the allegations of family violence, H did acknowledge the following matters:

(a) H acknowledges that he had gone into the room (where W alleged to have been strangled and shoved) and had a discussion with W regarding the Child's arrangements.[28] For clarity, H's position was that it was W who had brought him to the room.[29]

(b) H acknowledges that after the conversation, he left the room and proceeded to leave the house. During this time, he also acknowledged that W had made the comment of saying whether "does beating make you [ie, H] feel good". In other words, H acknowledges that W had said those words to him.[30]

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27 HWS at paragraph 15.

28 NE Day 2 at page 24.

29 *Ibid.*

30 NE Day 2 at page 36.

(c) H further acknowledged that shortly after leaving W's residence, he did call her. During that call, he also acknowledged referring to W eating faeces. However, his explanation under cross-examination was that the context in which it was said was a colloquial way of highlighting that W would suffer negative consequences for her general behaviour (ie, persistently making false allegations about him).[31]

42 In short, H's evidence broadly conforms with W's narrative, save for the alleged acts of verbal and physical abuse which took place in the room.

43 After assessing the evidence and materials before me, and whilst H had focused his attention on the 30 November 2024 incident, I was of the view that W had not satisfactorily discharged her legal burden of establishing the commission of family violence. I explain my reasons for arriving at this conclusion.

44 As regards the physical violence, W's affidavit evidence (as stated in her police report) was that H had, "in a sudden fit of rage"[32], grabbed W's neck, "violently choked" it as he tightened his grip with one hand.[33] Additionally, H had shoved her, causing her head to strike the bed frame with "jarring"[34] force.

45 These are strong and weighty words specifically chosen by W, which presumably reflects the intensity of the alleged force exerted on her. This is

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31 *Ibid*.

32 W AEIC at page 30

33 W AEIC at paragraph 24

34 W AEIC at page 30

further supplemented by the intensity of his voice when he said "beat, beat" which was apparently captured by the CCTV.

46 However, the contemporaneous evidence is not reflective of the violence alleged to have been committed on her.

47 To start, despite making specific reference to the CCTV recordings[35], W did not furnish such evidence. Similarly, insofar as W contended that she mustered up the courage commenting whether beating "us" (presumably referring to W and the Child) felt good, W did not submit evidence from the CCTV. This is despite her own averment that this exchange was captured by the CCTV.[36]

48 Next, and assuming W's narrative of what took place in the room was true, I found W's subsequent conduct to be curious. First, I can appreciate that W would refrain from escalating the issue of H's violence whilst H was in the house given that there was a CCTV recording (which, on W's evidence, had apparently captured H saying "beat beat"). However, there was nothing preventing W from asserting her position in the living room with the knowledge and security of the CCTV should there be further escalation by H. Second, I also found her conversation with W after H had left the house somewhat wanting. If W's narrative was true, there would have been nothing preventing her, after H had alleged that she was manufacturing an issue and asked her to eat faeces, to retort back and state, in chapter and verse, what H had done to her earlier.

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35 W AEIC at paragraphs 26 and 27

36 W AEIC at paragraph 27.

49 Apart from a general assertion of H having hit her,[37] nothing was said about what H had done to her in the room on 6 October 2024. There would have been nothing preventing W from making these points in her audio recording, especially given that H was no longer in her residence by that time.

50 Separately, I was not persuaded by the suggestion that H's call would have deterred (assuming that that was H's intent, which I was not fully inclined to accept) W from making the necessary reports against him if H had indeed physically assaulted W. On the evidence before me, W did in fact make the police report which led to the necessary investigations leading up to the conditional warning by the police. Put simply, I was not inclined to accept W's narrative on the premise of the call as H attempting to silence W.

51 Next, as regards her supporting documents, I first assessed the police report to be a neutral piece of evidence, as it was essentially W's narrative of events. As observed by this court in *XJZ v XJY and another matter* [2025] SGFC 30 (at [22(a)]), police reports (given that they are made by the parties themselves) can be self-serving. As noted earlier, the language used by W in the police report was highly descriptive, but was not corroborated by the evidence which the W herself asserts she had (ie, the CCTV recordings).

52 I turn next to the documents from Sengkang General Hospital.[38] Without more, the following diagnosis was made:

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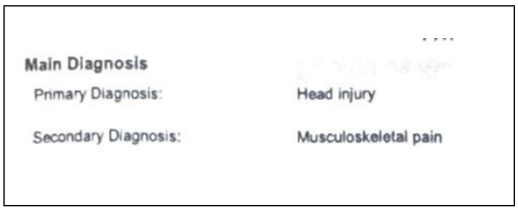
37 W AEIC at page 34

38 W AEIC at page 35.



Main Diagnosis	
Primary Diagnosis:	Head injury
Secondary Diagnosis:	Musculoskeletal pain

53 I found this document to be similarly wanting, especially considering the extent in which W had narrated the purported physical violence committed by H. There is no specific mention or explanation of the injuries to the neck, considering H had "violently choked" her. Even if the injuries to W's neck may fall within the general rubric of "musculoskeletal pain", there was a notable disjunct between what the medical note provides and the extent of W's narration of the events that day.

54 In note that the Applications were fixed for hearing sometime in March 2025. That would have been approximately 5 months after the 6 October 2024 incident. There would have been nothing preventing W from conceivably obtaining a more detailed medical report from Sengkang General Hospital which sets out, in greater detail, the findings and observations of the attending physician, and whether it is consistent with the points made in W's police report.

55 To be clear, I am not making a finding that W was not suffering from anything when she attended at the Sengkang General Hospital. However. In my view, there mere existence of a medical note, without more, does not dispose of the germane question which this court is tasked to ascertain - whether is it is more probable than improbable that the alleged injuries which W went to the hospital for was caused by the act(s) of family violence committed by H. This question must be assessed on the totality of the evidence presented before this court.

56 I turn next to the conditional warning letters. At the outset, the legal consequence of a warning letter is clear - it is nothing more than an expression of an opinion, and has no legally binding effect (see *Wham Kwok Han Jolovan v Attorney-General* [2016] 1 SLR 1370). That said, the crux of W's reliance on this warning letter is that there must be some level of satisfaction (at least by the police) that H has done something, and that something would be able to satisfy the threshold of family violence under the WC. In short, while a conditional warning letter is not legally binding in itself, there is no smoke without fire.

57 However, in my judgment, the warning letter is neutral insofar as it neither aids nor harms the surrounding corpus of evidence submitted by W. Whilst I note that the warning letter makes reference to the offence of voluntary causing hurt under section 323 of the Penal Code 1871, what was the precise act which H was being warned for? In my judgment, this letter must be viewed in the context of the strength of W's narrative and the contemporaneous materials submitted by her. As noted above, I found W's evidence to be wanting in various regards.

58 Lastly, when compared with the physical violence which W says H had committed on her on 30 November 2024, what happened to W on 6 October 2024 appeared, to my mind, to be the more serious incident on its face. However, W chose not to commence any personal protection proceedings against H. It was only after H commenced SS 2415 (more than 2 months after the 6 October 2024 incident and because of the 30 November 2024 incident) that W then sought to file her own application under SS 2453. No meaningful explanation was given for this.

59 It is also worth noting that the conditional warning in respect of the 6 October 2024 incident was issued on 26 November 2024. Putting aside the 30 November 2024 incident, it cannot be discounted that that warning letter would have been the end of the matter (at least to W's mind). This contributed to my assessment on the veracity of W's claims of the existence (and/or extent) of acts of family violence on 6 October 2024.

60 For those reasons, I had difficulties accepting W's narrative contention that family violence has been or had likely been committed by H on 6 October 2024.

30 November 2024 incident

61 I turn to the last and common incident between parties – the 30 November 2024 incident.

62 While parties' evidence differs at various parts, parties' respective narratives appear to converge on the following core sequence of events:

(a) H attended to W's residence in the evening for a discussion regarding the Child's enrichment class, specifically between Hindi and Mandarin. H had also been at the house earlier that day. The discussion took place in the living room.

(b) Taking parties' evidence collectively, both parties minimally knew that H was recording their conversation.[39]

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[39] On the other hand, and dealt with in further details below, W was making her own audio recording, which did not appear to be known by H.

(c) On H's evidence, the discussion, to his mind, was getting "heated"[40], and sought to disengage to leave. As he stood up to leave, W had "suddenly grabbed [his] hair on [his] head and violently started to pull it". Because of this, H then exclaimed "Ow Ow".[41]

(d) On W's evidence, she says that H had orchestrated the exclamation, *and then* proceed to pull W's hair. It is at that point when W then "screamed for her helper" as H was pulling her hair.[42] I pause here and note that some time was spent clarifying W's evidence as to when and how H had allegedly pulled W's hair:

(i) First, in her affidavit, W contended that H pulled her hair *as he was making* the exclamation.[43]

(ii) Second, during cross examination, W then said that H had first made then exclamation, and *thereafter* proceeded to pull W's hair.[44]

(iii) Third, in her written closing submissions[45], W stated that H grabbed and pulled W's hair "with force", and shouted "Ow Ow Ow".[46] The upshot of this is that W's final position appeared

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H's evidence (see H AEIC paragraph 14 and 15) is that he proceeded to engage W on the basis of his understanding that the CCTV was also recording, and that the voice recorder on his phone was activated.

40 H AEIC at paragraph 16

41 *Ibid*

42 W AEIC at paragraph 11.

43 W AEIC at paragraph 46.

44 NE Day 1 at page 13

45 WWS at paragraph 10.

46 WWS at paragraph 10.

to be a hybrid of her position on affidavit and cross-examination. What can nevertheless be discerned is that H's act of pulling W's hair was contemporaneous with and sequentially after his exclamation. In short, and taking W's evidence, H's exclamation and him pulling W's hair was *one continuous transaction*.

(e) It is at this point where I refer to the evidence of W's helper, TS. In her affidavit, she says the following:

> Suddenly, I heard [W] shout my name twice in distress. When I turned towards the living room, I saw [H] pulling on [W]'s hair. I immediately ran to the living room to intervene. However, upon my arrival, [H] released the [sic] [W's] hair and moved away from her.[47]

(f) It bears mentioning that TS' affidavit evidence *did not* deal with H's exclamation. However, during cross examination, TS later testified that she was in the kitchen during the time W and H were having their discussion. She also testified that she had heard H exclaim "Ow Ow Ow"[48].

(g) However, she *did not* see what happened contemporaneous with hearing H's exclamation.[49] The upshot of this is that on W's narrative I had highlighted above, it would mean that TS *would not* have seen either H and/or W pulling each other's hair. When viewed in this light, I had my reservations on the veracity of TS' testimony.

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47 TS AEIC at paragraph 6

48 During cross examination, TS mentioned that she only heard this exclamation "softly". However, this does not tally with the actual recording tendered by parties on this point; See NE Day 1 at page 50.

49 NE Day 1 at page 52

(h) As noted in her evidence, it was only when TS approached parties *after* W called for her where she says that H was still in the midst of pulling W's hair, and released his grip subsequently. However, it bears noting that it *was not* in W's own evidence that H was still pulling her hair by the time TS arrived, only to then release his hold on W's hair. Moreover, I also note that the audio recordings do not appear to reflect TS' narrative.

(i) If anything, the hair pulling (by H and/or W) was already done by the time TS arrived.

63 After assessing the evidence and materials before me, the central question is whose version is more probable than improbable. In my assessment, I found H's narrative to be more probable and less problematic than W's narrative.

64 I first start with the contemporaneous evidence submitted by parties in support of their respective narratives. At all material times up to the hearing of the Applications, the only contemporaneous evidence was the audio recordings which H had taken that day. At no point in time did W state that she similarly had an audio recording of what transpired. Indeed, W made no mention of an audio recording in her AEIC.

65 However, on the first day of the hearing, it transpired that W had made a recording, and only prepared the same on the day of the trial. To that end, Mr Singh sought leave to include it as part of the record of the proceedings. I pause here and found it apposite to record my regret for this unsatisfactory state of affairs. The irresistible inference which can be drawn from the foregoing is that W had kept these recording close to her chest, and it was only after having sight

of H's AEIC (and H's recording) that she wished to introduce her own recordings. To my mind, this was the only reasonable inference to be made because in her AEIC, W specifically explained why she was unable to obtain the CCTV recording of what happened at the living room on 30 November 2024. How is W able to explain away her inability to obtain the CCTV recording of the living, and keep completely silent of the fact that she had in her possession her own audio recording?

66 Giving W the greatest benefit of doubt, she may have omitted to include it at the time AEICs were due to be exchanged. but between the time parties' AEICs were being prepared. However, by the time AEICs were exchanged, there was nothing preventing W from giving reasonable notice to this court and H of the existence of such evidence.

67 I found this form of gamesmanship by W to be very unfortunate. For clarity, I direct my reservations towards W, and not to Mr Singh. I was prepared to accept that had Mr Singh, who was representing W throughout the pre-trial mentions leading up to the hearing, have knowledge of the existence of such audio hearings, it would have been highlighted to the court (and H) and the earliest juncture.

68 Be that as it may, I was nevertheless prepared to include this belatedly introduced recording, in part due to H's preparedness to accept W's recordings to be included as part of the court's records. Even then, I noted that W's recordings had missing content, content which was found in H's version.[50]

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[50] Furthermore, W's version of the transcript did not have the accompanying transcript in Hindi.

69 To be clear, *both parties'* translation and transcribed versions had their inaccuracies and inconsistencies. Akin to the situation highlighted in *CVB v CVC*, it was then left to this court to try to make sense of the recording with reference to *both* sets of transcripts.

70 With that in mind, I first start with H's case. After assessing the materials before me, I had reservations with W's negative case that H orchestrated the entire incident. On both parties' evidence (and putting aside W's belated discovery that the CCTV was not recording), the fact remains that there were multiple recording devices activated at that time. H had a recording, and to H's personal belief, the CCTV in the living room was also recording. Separately (albeit unknown to H), W was also taking a recording. At this point, I note during cross-examination that W sought to suggest that H had possibly tampered with the CCTV[51]. However, this averment was not stated in her AEIC. In any event, I found this suggestion to be highly improbable.

71 Against that backdrop, I was of the view that for H to orchestrate this entire incident, which can easily be rebutted, it would at best be a very dicey gamble, and at worse, manifestly foolhardy. Further, if indeed H was faking this event, it would have been instinctive of W (who was, at the time, also recording) to defend her position with a quick retort with statements such as "what are you doing?", or "what are you shouting about?".

72 No such retort was made.

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[51] NE Day 1 at page 23,

73 In this regard, and referring to W's own authority of *Parkes v The Queen* [1976] 1 WLR 1251, what is sauce the goose is sauce for the gander, and W's lack of immediate objection is notable. On the other hand, and whilst not captured in W's transcript, after his exclamation, it can be heard (albeit faintly) that H was asking what W had done (or said).[52]

74 In my judgment, what was more probable was that when faced with the situation, W then doubled down to attempt to paint a narrative that H was the aggressor. It is for that reason why she immediately called upon TS to come. If W's narrative was true, and at this time it was H who was pulling on W's hair, I found it curious that W had no reaction to H's pulling. Even if she wanted to call TS, and there was in fact a pulling of hair to the extent suggested by W, there would surely have been some audible reaction or exclamation to this.

75 However, there was not.

76 Instead, as per the audio recording, W proceeded to articulate what happened to TS.[53]

77 Upon a review of the entire transaction through the audio recording, I was inclined to prefer H's narrative as the more probable narrative.

78 As regards the documentary evidence submitted by W, I note that Sengkang General Hospital's note only includes a solitary reference to "assault", which is even more bereft of details than the memo prepared for the

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52 Timestamp 01:54 to 01:55 of W's audio recording.

53 Timestamp 01:56 *et seq*. I pause here and note that even on W's transcript. The time with W called "B" and said "come" was not placed accurately, as TS had, in between these phrases, said "Yes Ma'am".

6 October 2024 incident. On the other hand, the medical note submitted by H stated that H had "mild erythema[54]" at the scalp region.

79 For completeness, as regards the lack of CCTV evidence, I found this to be a neutral point, but somewhat curious. While there was no reason to disbelieve W's explanation as to why the CCTV was not working (notwithstanding H's evidence where he says that the indicator light on the CCTV indicates was on), I separately found it curious that since W was already making an audio recording of the conversation, that she would, particularly in the light of parties' history, to at least cursorily ascertain whether the CCTV was on.

80 For the above reasons, I was more inclined to find that H's narrative of events to be more probable than improbable. As such, I was satisfied that family had been or likely to have been committed by W during the 30 November 2024 incident.

Step 2 - Necessity for protection orders

81 With that finding, I come to the next issue of necessity. In her submission, W had made various contentions on why even if the first stage was established, why it was not necessary for a protection order to be made against W.[55] While I note that H still continues to engage W (partly due to access arrangements under the divorce ancillary orders), I was not inclined to accept that the nature and state of parties' relationship with each other is such that a protection order is not necessary.

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54 Redness of skin.

55 WWS at paragraph 55 *et seq*.

82 It cannot be a case where, assuming I find family violence by both parties, a protection order is necessary for one party but not the other. To my mind, parties' submission on necessity *cuts both ways*. So long as family violence is established, there is necessarily a need for a protection order to minimally alert parties of how they should conduct themselves with each other. Separately, and though a lesser point, during cross cross-examination, W candidly submitted that if it can be proved that she did pull H's hair, then he should get a personal protection order.[56]

83 In my judgment, after establishing the commission of family violence, I found it necessary for a protection order to be made. The nature of parties' interactions necessitate an order to regulate their conduct. Separately, I was of the view that a protection order was necessary in part because of the utility of parties going for counselling. I found it necessary for parties to receive the necessary support services to address the underlying issues between them, which run deeper than the matters raised in these proceedings. These orders merely form a patchwork of the real work which parties need to do in order to properly move on. In my view, parties required proper intervention to allow them to be able to move on and effectively co-parent. Otherwise, they will continue not find themselves entrenched within the four walls of this court to litigate their personal animosity against each other.

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[56] NE Day 1 at page 40

Conclusion

84 For the above reasons, I was inclined to grant H a PPO, and dismiss W's application for a PPO. I further ordered both parties to attending counselling to help address their underlying issues.

85 On the issue of costs, after issuing my decision to parties, I directed parties to submit their respective cost submissions. After considering parties' submissions, I was inclined to order that both parties were to bear their own costs for the Applications.

86 Finally, I wish to thank Mr Singh and H for their submissions and assistance to the court in arriving at its decision. It is my sincerest hope that parties will be able to move forward, if not for themselves then for the sake of the Child.

Azmin Jailani
District Judge

Jasjeet Singh (Dhillon & Panoo LLC) for W
H is self-represented
