



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

CRL.O.P. (MD)Nos.12257 and 1919 of 2017**In CRL.O.P. (MD)Nos.12257 of 2017:**

R.Anitha

: Petitioner

-Vs-

1. The Superintendent of Police,
Dindigul District.2. The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.3. The Inspector of Police,
Viruveedu Police Station,
Nilakottai Taluk,
Dindigul District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the respondents to execute the arrest warrant issued by the Family Court on 20.04.2015, 20.05.2015, 23.06.2015, 01.09.2015 and finally to the third respondent on 23.02.2017 pending against Selvan, S/o.Muthu, Grade-I Police Constable No.943, as per the letter of the Family Court, Madurai in D.No.444/2017, dated 12.04.2017 and as per the requisition of the petitioner, dated 24.03.2017 in person to the first respondent and in the light of undertaking given by the Government Pleader (Crl.side) on behalf of the respondent in Crl.O.P.(MD).No.16144 of 2016, on the file of this Court.

For Petitioner

: Mr.K.Appadurai

For Respondents

: Mr.K.S.Duraipandian

Additional Public Prosecutor

In CRL.O.P. (MD)Nos.1919 of 2017

M.Selvan

:Petitioner/ Respondent/Respondent

-Vs-

1.Anitha

2.Minor Dharshinidevi

3.Minor Vigneshwar :Respondents1 to 3/ Petitioners/Petitioners

(2nd and 3rd respondents arerepresented by their
mother/1st respondent)



4. The State represented by,
The Sub-Inspector of Police,
Viruveedu Police Station,
Dindigul District.

: 4th Respondent / 3rd Party/
3rd Party

WEB COPY

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to direct the learned Judge, Family Court, Madurai to consider the petitioner's warrant recall petition filed under Section 70(2) Cr.P.C. on the same day of his surrender itself in connection with the non bailable warrant issued in Cr.M.P.No.76/2014 in M.C.No.66 of 2011, on the file of the learned Judge, Family Court, Madurai.

For Petitioner : Mr.K.Manikandan
For 4th Respondent : Mr.K.S.Duraipandian
Additional Public Prosecutor

COMMON ORDER

Since the parties involved in the two cases belonged to the same family, the two cases are taken up together and disposed of by way of common order.

2. Crl.O.P(MD).No.12257 of 2017 is filed by the wife, for a direction to the respondent police to execute the arrest warrant issued by the learned Judge, Family Court on various dates and on the request made by the petitioner, dated 24.03.2017 in person to the first respondent and also in the light of the undertaking given by the learned Government Advocate(Crl.side) on behalf of the respondents in Crl.O.P.(MD).No.16144 of 2016.

3. Crl.O.P.(MD).No.1919 of 2017 is filed by the husband to pass an order directing the learned Family Judge, Madurai, to consider the petitioner's petition filed under Section 70(2) Cr.P.C. to recall the warrant on the same day of his surrender in connection with the non- bailable warrant issued in Cr.M.P.76 of 2014 in M.C.No.66 of 2011, on the file of the learned Judge, Family Court, Madurai.

4. Heard the learned counsel appearing for the petitioner in both petitions and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

5. From the records, it appears that the petitioner in Crl.O.P.(MD).No.12257 of 2017 has filed a petition in M.C.No.66 of 2011, under Section 125 Cr.P.C. before the Court below for maintenance. Due to non-appearance of the husband and for non-



payment of interim maintenance, non-bailable warrant was issued against the petitioner's husband, namely, the petitioner in Crl.O.P.(MD).No.1919 of 2017.

6. Despite a non-bailable warrant was issued as against the husband in Crl.M.P.No.76 of 2014 in M.C.No.66 of 2014, it is stated that the respondent police have not arrested her husband so far and that her husband has filed the petition in Crl.O.P.(MD).No.1919 of 2017 before this Court, to pass an order directing the learned Family Judge, Madurai to consider his petition filed under Section 70(2) Cr.P.C. to recall the warrant on the same day of his surrender before the Court below.

7. It is further stated that the husband, namely, the petitioner in Crl.O.P.(MD).No.1919 of 2017 was arrested on 24.10.2017 and thereafter his petition to recall the warrant was also allowed on the same day on production of the petitioner before the learned Judge, Family Court, Madurai. In view of the fact that the petitioner surrendered before the trial Court and the non-bailable warrant has been executed, the petition in Crl.O.P.(MD).No.12257 of 2017 has become infructuous. Since, the recall petition was allowed, the prayer sought for in the petition in Crl.O.P.(MD).No.1919 of 2017 has also become infructuous. Hence, both petitions have become infructuous. It is also brought to the notice of this Court that the order recalling the warrant was passed on condition that the husband, namely, the petitioner in Crl.O.P.(MD).No.1919 of 2017 shall obey the condition regarding the payment of some amount to the wife.

8. The learned counsel for the petitioner in Crl.O.P.(MD).No.1919 of 2017 stated that the conditional order of the trial Court has been complied with.

9. In the result, the learned Judge, Family Court, Madurai, is directed to dispose of the case in M.C.No.66 of 2011, within a period of two months from the date of receipt of the copy of this order.

10. With the above direction, these Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To



2. The Superintendent of Police,
Dindigul District.
3. The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.
4. The Inspector of Police,
Viruveedu Police Station,
Nilakottai Taluk,
Dindigul District.
5. The Sub-Inspector of Police,
Viruveedu Police Station,
Dindigul District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Appadurai, Advocate Sr.No.86590

PJL

VB/SKN/RSK/SAR2/24/11/2017/4P/8C

CRL.O.P. (MD) Nos.12257 and 1919 of 2017
10.11.2017