



WEB COPY

CrI.O.P.(MD)No.3967 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD)No.3967 of 2020

and

CrI.M.P. (MD)No.2194 of 2020

Mr.Jawarlal

... Petitioner/Respondent/Respondent

Vs

Jeffirin

Represented by his mother

and Guardian Jenitha

... Respondent/Petitioner/Petitioner

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to set aside and recall the order of the learned Judicial Magistrate Court No.1, Padmanabhapuram (FAC) in Cr.M.P.No.2244 of 2019 in M.C.No.4 of 2018, dated 11.12.2019.

For Petitioner

:

Mr.C.Mayil Vahana Rajendran

ORDER

The petitioner is constrained to move this Court as non bailable warrant has been issued against him by the learned Judicial Magistrate No.1, Padmanabhapuram.

2.The respondent filed M.C.No.4 of 2018 against the petitioner and the petitioner had been directed, by order dated 16.11.2018, to pay a sum of Rs.8,000/- per month.

3.The grievance of the respondent is that this order is not being properly complied with. Therefore, she filed Cr.M.P.No.2244 of 2019 to enforce the payment of arrears. Since the petitioner herein did not appear before the Court below and failed to make payment, distress warrant was issued. Challenging the same, this criminal original petition has been filed.

4.The learned counsel appearing for the petitioner states that the petitioner will appear before the Court below on 18.03.2020 and apply for recall of warrant. The petitioner will take a demand draft favouring the respondent for the entire sum of arrears. The petitioner's counsel states that as on date, the petitioner is liable to pay a sum of Rs.32,000/-. Since this petition is being disposed of at the admission stage, I am not sure of the said figure. However, the direction to the petitioner is that he will

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clear the arrears quantifiable as on the said date. If the petitioner produced a demand draft favouring the respondent for the sum of arrears, for which, warrant was issued, the Court below is directed to recall the same.

5.The petitioner's counsel would further contend that the respondent has also filed a maintenance claim in two other proceedings. The petitioner will of-course be entitled to set off in those proceedings.

6.With this direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed.

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Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar

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To

The Judicial Magistrate Court No.1, Padmanabhapuram.

+1 CC to M/s.C.Mayil Vahana Rajendran, Advocate (SR-4654[F] dated 03/03/2020)

Crl.O.P(MD)No.3967 of 2020
and
Crl.M.P.(MD)No.2914 of 2020
03.03.2020

AP(17.03.2020) 2P 3C