



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2020

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD) No.3947 of 2020

Marx

... Petitioner

-VS-

1.R.Rajeshwari

2.Minor. M.R.Poulijon

... Respondents

PRAYER : Petition filed under Section 482 of the Criminal Procedure Code to recall the order of Non-bailable warrant issued as against the petitioner in Cr1.M.P.No.79 of 2018 in M.C.No.40 of 2014, dated 12.01.2017, pending on the file of the learned Family Court Judge, Kanyakumari at Nagercoil and set aside the same.

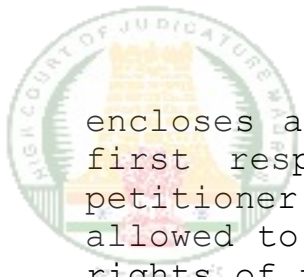
For Petitioner : Mr.C.Kishore

O R D E R

The petitioner figured as a respondent in M.C.No.40 of 2014 on the file of the Family Court, Kanyakumari at Nagercoil. It was filed by the respondents herein. An ex-parte order came to be passed against the petitioner. To enforce the same, the respondents have filed a petition under Section 128 of Cr.P.C. A non-bailable warrant came to be issued against the petitioner. Seeking its recall, this Criminal Original Petition came to be filed.

2.The petitioner states that he was all along employed abroad as a storekeeper. He was not aware of the filing of the maintenance case. The learned counsel for the petitioner states that the execution petition filed by the first respondent is for a sum of Rs.2,94,000/- (Rupees Two lakhs and Ninety Four Thousand only). The petitioner agrees to remit a sum of Rs.1,00,000/- (Rupees one lakh only) immediately.

3.I am of the view that if this undertaking is honoured, some indulgence can be shown to the petitioner. The petitioner is therefore, permitted to move the Family Court, Kanyakumari at Nagercoil and apply for recall of warrant. If the petitioner



encloses a demand draft for a sum of Rs.1,00,000/- favouring the first respondent, the non bailable warrant issued against the petitioner will stand recalled. The petitioner will thereafter be allowed to pursue the matter on merits. It is made clear that the rights of the parties are left open.

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4. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS)

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Sub Assistant Registrar (CS)

pnn

To

1. The Judge, Family Court, Kanyakumari at Nagercoil.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.KISHORE, Advocate (SR-10105[F] dated 04/03/2020)

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SVN (CO)

TR(05.03.2020) 2P 4C