



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT P (MD) No.1834 of 2019

in

Cr1 OP (MD) No.2953 of 2019

Subhashini

... Petitioner/Petitioner/Nil

Vs.

1.Thaniyarasu,

2.Valarmathi

3.Muthukumar

4.Menaka

5.The Inspector of Police,

All Women Police Station,

Vadamadurai, Dindigul District.

... Contemnors/Respondents

2 to 5/Petitioner

(5th respondent is suo motu impleaded vide

court order dated 18.12.2019

in Cont P (MD) No.1834 of 2019)

Prayer : Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor/respondent No.2 to 5 herein for disobeying the order of this Court made in Cr1 MP (MD) No.3960 of 2019 in Cr1 OP (MD) No.2953 of 2019 dated 18.09.2019.

Prayer in CMP (MD) . 3960 of 2019 :

Criminal Miscellaneous Petition is filed under Section 482 of Criminal Procedure Code, praying this Hon'ble Court will be Pleased to call for the records relating to the order dated 26/02/2019 made in Cr1 OP (MD) No.2359 of 2019 on the file of the Court and cancel the order of anticipatory bail granted to the respondents 2 to 5 forthwith.

Prayer in CRL OP (MD) 2953 of 2019:

Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying this Hon'ble Court for Anticipatory bail in Cr.No.2 of 2019 on the file of the respondent police.

For petitioner

: Mr.V.P.Rajan

For Respondents

: Mr.A.Robinson,

Government Advocate (crl.side)

**ORDER**

This contempt petition has been filed by the defacto complainant alleging breach of the undertaking given by the respondents 1 to 4 herein. The petitioner got married to the son of the respondents 1 and 2. A child was born through the wedlock. The relationship between the parties had come under strain. The petitioner filed a case before the AWPS, Vadamdurai Police Station on 03.02.2019 leading to registration of Crime No.2 of 2019 for the offences punishable under sections 498 (A), 406 and 506(i) IPC. The respondents 1 to 4 herein filed Crl OP(MD)No.2953 of 2019 before this Court and anticipatory bail was granted. Seeking cancellation of the same, the defacto complainant filed Crl MP(MD)Nos.3960 & 3961 of 2019. When the case was taken up for hearing, the accused 1 to 4 herein through their counsel gave an undertaking that they will arrange to pay a sum of Rs.5,000/- as monthly maintenance to the defacto complainant. The specific contention of the petitioner is that the undertaking given before this Court was not complied with. That led to the filing of this contempt petition. This Court issued statutory notice and the fifth respondent herein produced the respondents 1 to 4 before this Court.

2.The respondents 1 to 4 pleaded that the principal accused, namely, Meenakshi @ Manikandan is presently abroad and they are not in touch with him and that they are not receiving any monetary assistance from him. The third respondent Muthukumar is based in Coimbatore. The duty to maintain the petitioner/defacto complainant is that of A1 Meenakshi @ Manikandan. Therefore, for breach of the undertaking given before this Court, they may not be taken to task. However, the second respondent states that the household articles of the petitioner are still in their custody at Alanganallur. It is open to the petitioner herein to go to the said house on 19.02.2020 at 04.00 P.M and collect her articles. The second respondent 1 and 2 states that they will not have any objection for the petitioner to do so.

3.The learned Government Counsel states that the final report has been filed in this case and it has been taken on file as C.C No.11 of 2020 on the file of the Judicial Magistrate, Natham. In the said case, A1 Meenaksi @ Manikandan has been shown as an absconding accused. This case concerns the life and right of a young married woman with a child. Therefore, the prosecution cannot rest content by filing an absconding charge sheet. It is the duty of the fifth respondent to ensure that A1 Manikandan is secured and brought back to face the trial before the court of law.

4.Therefore, the Superintendent of Police, Dindigul District is specifically directed to take appropriate and speedy steps in this regard. A1 Manikandan is obviously an Indian citizen and he has gone to Dubai on employment only on Indian passport. It is not difficult for the prosecution to seek cancellation of the VISA and travel documents so that he can be brought back. If appropriate



steps are not taken and if Manikandan is not brought to face the trial within a period of four months, it will be open to the petitioner herein to revive this contempt petition before this court.

5. With this direction, the contempt petition is disposed of.

Sd/

Assistant Registrar

/True copy/

/02/2020

Sub Assistant Registrar

Skm

To

1. The Principal District Judge,
Coimbatore.

2. The Judicial Magistrate, Natham.

3. -do- Thro The Chief Judicial Magistrate,
Dindigul.

4. The Inspector of Police,
All Women Police Station,
Vadamadurai, Dindigul District.

5. The Superintendent of Police,
Dindigul District.

+1 CC to M/s.V.P.RAJAN, Advocate (SR-7328[F] dated 20/02/2020)

CONT P (MD) No.1834 of 2019
in

Cr1 OP (MD) No.2953 of 2019
18.02.2020

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KK/SAR/20.02.2020/3P-7C