



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Jurisdiction

Tuesday, the Fifth day of January Two Thousand Twenty One
PRESENT

The Hon' ble Mr. Justice G.ILANGO VAN
CRL MP(MD). Nos.5854, 5856 & 5853 of 2020
in
CRL OP(MD).Nos.4942 & 4943 of 2012

1.Rathika D/o. Savarimuthu, Kammappatti Village, Kayathar Via,
Kovilpatti Taluk, Thoothukudi District.

2. C. Bindhu D/o. Chandrasekar, Kammappatti Village, Kayathar Via,
Kovilpatti Taluk, Thoothukudi District

... Petitioners in all Crl.MPs

- Vs. -

K.Chandrasekaran S/o. Kovil Pillai, Mela Elanthakulam Village,
Devarkulam Via, Sankarankovil Taluk, Tirunelveli District.

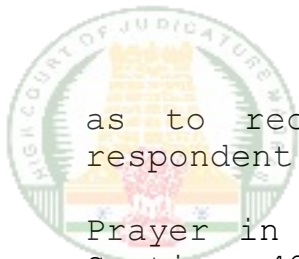
... Respondent in all Crl.MPs

Prayer in CRL MP(MD). 5854/ 2020 : This petition is filed Under
Section 482 of Crimina Procedure Code to grant Direction, directing
the Judicial Magistrate -II Kovilpatti to comply with the order
passed in Crl.O.P.(MD)No.4942 of 2012 dated 23.04.2012 and as well
as to recover the arrears of the maintenance amount from the
respondent payable as on date within the time limit.

Prayer in CRL OP(MD). 4942/ 2012 : This petition is filed Under
Section 482 of Crimina Procedure Code to direct the Judicial
Magistrate No.II, Kovilpatti to expedite the proceedings in
Cr.M.P.No.5202/2009 in M.C.No.5/2007 within the time limit that may
be stipulated by this Honourable Court.(Amended as per order dated
18.06.2012 in MP.1/2012 in Crl.OP.4942/2012)

Prayer in CRL MP(MD). 5856/ 2020 : This petition is filed Under
Section 482 of Crimina Procedure Code to grant an order of Interim
Direction, directing the Respondent to pay 50 percentage of the
arrears of due amount payable as per the award passed in M.C.No.5 of
2007 dated 29.09.2008 by Learned Judicial Magistrate-II Kovilpatti
pending disposal.

Prayer in CRL MP(MD). 5853/ 2020 : This petition is filed Under
Section 482 of Crimina Procedure Code to grant Direction, directing
the Judicial Magistrate-II Kovilpatti to comply with the order
passed in Crl.O.P.(MD)No.4943 of 2012 dated 23.04.2012 and as well



as to recover the arrears of the maintenance amount from the respondent payable.

Prayer in CRL OP(MD). 4943/ 2012 : This petition is filed Under Section 482 of Crimina Procedure Code to direct the Judicial Magistrate No.II, Kovilpatti to expedite the proceedings in Cr.M.P.No.7727/2010 in M.C.No.5/2007 within the time limit that may be stipulated by this Honourable Court. (Amended as per order dated 18.06.2012 in Crl.MP.No.1/2012 in Crl.OP.4943/2012))

ORDER:- These Petitions are coming on for orders on this day and upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.M.Palaniselvam, Advocate for the Petitioner this Court made the following order:

These Criminal Miscellaneous Petitions are filed seeking a direction to direct the learned Judicial Magistrate, No.II, Kovilpatti, to comply with the orders passed in Crl.OP.(MD)Nos.4942 & 4943 of 2012 dated 23.04.2012 and to grant an order of interim direction, directing the respondent to pay 50 percentage of the arrears of the due amount payable as per the order passed in M.C.No.5 of 2007 dated 29.09.2008, by the learned Judicial Magistrate-II, Kovilpatti, pending disposal.

2.By an order dated 23.04.2012, this Court has directed the Judicial Magistrate, No.II, Kovilpatti, to dispose of the proceedings in Cr.MP.No.5360 of 2008, Cr.MP.No.5202 of 2009 and Cr.MP.No.7727 of 2010 before the end of May 2012, and report the same to the Registry.

3.According to the petitioner, in spite of a direction, the respondent has not complied with the order as on date. Totally four petitions are pending on the file of Judicial Magistrate, No.II, Kovilpatti, which were filed to recover the arrears. It appears that Cr.MP.No.5360 of 2008 in Crl.OP.(MD)No.4941 of 2012 has been complied with. Cr.MP.No.5202 of 2009 in Crl.OP.(MD)No.4942 of 2012 and Cr.MP.No.7727 of 2010 in Crl.OP.(MD)No.4943 of 2012 and Cr.MP.No.5887 of 2017 (on the file of Judicial Magistrate, No.II, Kovilpatti for claiming arrears amount) are still pending.

4.Since, the respondent has not complied with the order, according to the petitioner, from 17.06.2012 to 29.02.2020, there is an arrear amount of Rs.2,76,000/-, which was not paid by the respondent. It appears that no application was filed by the petitioner for this period.

5.Considering the request, made by the learned counsel for the petitioner and exercising the jurisdiction under Section 482 Cr.PC, this Court deems fit to give a direction to the Judicial Magistrate, No.II, Kovilpatti, to dispose of all the pending Cr.MPs



at the earliest without giving any more adjournments and report the same to the Registry.

6. In view of the above direction, these Criminal Miscellaneous petitions are disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate -II, Kovilpatti

Copy to:

1. The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)

ORDER DATED : 05/01/2021

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ORDER
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CRL MP (MD) . Nos.5854, 5856 &
5853 of 2020
in
CRL OP (MD) . Nos.4942 & 4943 of 2012

Giving direction and etc.
as stated within.