



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P (MD)No.20795 of 2021

S.Vimala Devi ... Petitioner/Accused No.3
Vs.

1.Suni Nisha Merlin

2.Minor Jebarin ... Respondents/Complainant

(Rep. through his Mother Suni Nisha Merlin)

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate, Padmanbhapuram, Kanyakumari District to entertain the petition to recall the non-bailable warrant issued on 10.04.2019 and surrender petition to be filed by the petitioner's counsel in C.C.No.84 of 2018 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District without requiring the physical presence of the petitioner and further direction to dispose of the petition to recall non-bailable warrant on the same day of filing.

For Petitioner : Mr.S.Balaji

O R D E R

Heard the learned counsel for the petitioner. Considering the nature of relief to be granted, issuance of notice to the respondents is dispensed with.

2.The petitioner is shown as third accused in C.C.No.84 of 2018 on the file of the Judicial Magistrate, Padmanabhapuram, Kanyakumari District. It is a matrimonial complaint. The petitioner's brother and father are figuring as A1 and A2. Non bailable warrant was issued against the petitioner and it is said to be pending for more than two years. The petitioner's counsel states that the petitioner is based in Bangalore and that the issue is essentially one between her brother and his wife and that the petitioner is no way connected. The petitioner is working as a professor in a college. Taking note of the fact that the petitioner is woman and she is only sister-in-law, even though the conduct of the petitioner cannot be condoned, I permit the petitioner to appear before the trial Magistrate on the next hearing date ie., 29.12.2021 and apply for recall of warrant. On such application for recall of warrant, the same will be recalled on the same evening. In other words, the



petitioner shall not be remanded to custody. The petitioner gives an undertaking that in all future hearings, she will appear either in person or through counsel and that on account of her conduct, the trial will not be dragged on.

3. Recording the petitioner's undertaking, this criminal original petition is disposed of. The non bailable warrant can be kept in abeyance till 29.12.2021.

Sd/-

Assistant Registrar (CLR SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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:

The Judicial Magistrate,
Padmanabhapuram.

+1 CC to M/s.S.BALAJI, Advocate (SR-40101[F] dated 23/12/2021)

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MGJ (23.12.2021) 2P 3C