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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P. No.13160 of 2022
and
Crl.M.P. No.7072 of 2022

Elayaraja

...Petitioner

Versus.

1. N.Sindhika

2. Minor Sasipriyan

S/o. Elayaraja

Minor represented by Natural Guardian and mother

N.Sindhika.

...Respondents

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Judicial Magistrate No.1, Mettur to accept the surrender of the petitioner and recall the Non-bailable warrant dated 12.05.2022 in Crl.M.P.No.1041 of 2016 in M.C. No.6 of 2013 on the file of the Judicial Magistrate No.1, Mettur on the day of surrender.

For Petitioner : Mr. C.Mohan

ORDER

This petition is filed to direct the learned Judicial Magistrate No.1, Mettur to accept the surrender of the petitioner and recall the Non-bailable warrant dated 12.05.2022 in Crl.M.P. No.1041 of 2016 in M.C. No.6 of 2013 on the file of the learned Judicial Magistrate No.1, Mettur on the day of surrender.

2.It is seen from the records that the learned Judicial Magistrate-I, Mettur, has fixed the maintenance amount of Rs.4,000/- to the first respondent and Rs.3,000/- to the second respondent, payable every month. The same was challenged by the petitioner before the II Additional District Judge, Salem. The revision Court reduced the monthly maintenance to Rs.2,500/- to the first respondent and Rs.1,500/- to the second respondent, payable every month. Aggrieved by the order of the revision



Court, the respondents herein has filed a petition in CrI.O.P. No.7846 of 2017 before this Court. This Court, after considering the facts and circumstances of the case, fixed the maintenance to Rs.3,000/- to the first petitioner and Rs.3,000/- to the second petitioner and also directed the petitioner to pay the arrears of maintenance from the date of filing of the petition in M.C. No.6 of 2013 within a period of six from the date of receipt of a copy of that order.

3.Despite the order passed by this Court in CrI.O.P.No.7846 of 2017, the petitioner has not paid any amount to the respondents. Therefore, the learned Judicial Magistrate I, Mettur, issued Non-Bailable Warrant as against the petitioner. Aggrieved by the order of the learned Judicial Magistrate I, Mettur, the present Criminal Original Petition.

4.Learned counsel for the petitioner submits that the petitioner is willing to deposit a sum of Rs.2,00,000/- before the learned Judicial Magistrate I, Mettur towards the arrears of maintenance and this Court may direct the learned Judicial Magistrate to recall the Non-Bailable Warrant issued to the petitioner.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to pass the following order:

The petitioner is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakh Rupees Only) to the respondents towards arrears of maintenance, within a period of two weeks from today and on such payment is being made, the learned Judicial Magistrate I, Mettur, shall consider the application for surrender and recall the Non-Bailable Warrant issued to the petitioner and pass orders on merits and in accordance with law. Failing to pay the above sum within the specified period, the petition stands automatically dismissed.

6.In view of the above, the Criminal Original Petition is allowed with the aforesaid condition. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

bkn



To:

The Judicial Magistrate I, Mettur.

+1cc to Mr.G.Mohan, Advocate, S.R.No.37297

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CrI.O.P.No.13160 of 2022

NMI (CO)

RGA (30/06/2022)