



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.6355 of 2022

A.Manikandan

...Petitioner

Vs.

1. Thangavanitha @ Vanitha

2. Yogeswaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Family Judge, Madurai to consider the recall warrant petition filed U/s. 70(2) Cr.P.C. to recall the non bailable warrant issued dated 01/11/2021 against the petitioner in Crl.M.P.No. 112/2020 in M.C.No.103/2015 and dispose the same on the same day of filing.

For Petitioner : Mr.B.Sukumar

ORDER

This petition has been filed seeking direction to direct the learned Family Judge, Madurai to consider the recall warrant petition filed U/s. 70(2) Cr.P.C. to recall the non bailable warrant issued dated 01/11/2021 against the petitioner in Crl.M.P.No. 112/2020 in M.C.No.103/2015 and dispose the same on the same day of filing.

2. The learned counsel appearing for the petitioner would submit that the respondents filed petition under Section 128 of Cr.P.C on the file of the learned Family Court, Madurai and the same was numbered as Cr.M.P.No.112 of 2020 in MC No.103 of 2015 to recover the arrears of maintenance from the petitioner. But the petitioner has not paid the maintenance amount tot he respondents. Thereafter the petitioner is agreed to pay a sum of Rs.50,000/- bu the respondents refused to receive the same and demanded full settlement or to execute the sale deed in favour of the first respondent. Due to said non payment non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither willful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

3. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Family Judge, Madurai on the next hearing and to file a petition under Section 70(2) of Cr.P.C., to recall NBW already issued against him. On filing of such petition, the concerned



learned Sessions Judge is directed to consider the same on its own merits in accordance with law and pass orders on the same day.

4. With the above direction, this Criminal Original Petition is disposed of. It is made clear that while considering the petition to recall, the Court below shall bear in mind about the period of Non Bailable Warrant and any crime committed while pending Non Bailable Warrant . Mere direction issued by this Court to consider the application on the same day does not amount to direction to consider the recall petition favourably.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Judge,
Family Court, Madurai.

Crl.O.P.(MD) No.6355 of 2022
06.04.2022

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