



Crl.O.P. No.18439 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl. O.P.No.18439 of 2023

D. Rakhuraj
S/o.Devaraj

.. Petitioner

Vs.

1. R. Meenakshi
W/o.D.Rakhuraj

2. R. Nithin
S/o.D.Rakhuraj .

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and set aside the docket order dated 03.06.2023 in Crl.M.P.No.442 of 2022 in Crl. M.P. No.239 of 2020 pending on the file of the V Additional Family Court, Chennai.

For Petitioner	:	Mr. N. Suriyamuthu
For Respondents	:	Ms. V.V. Uthra

ORDER



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This Criminal Original petition has been filed challenging the order passed by the Court below dated 03.06.2023 dismissing the application filed u/s.70(2) Cr.P.C. to recall the warrant issued against the petitioner in Crl.M.P.No.442 of 2022 in Crl.M.P.No.239 of 2020 in M.C.No.16 of 2019.

2. Heard Mr.N.Suriyamuthu, learned Counsel appearing for the petitioner and Ms.V.V.Uthra, learned counsel appearing for the respondents.

3. The respondents have filed a maintenance case against the petitioner in M.C.No.16/2019. Final orders were passed in this maintenance petition on 27.02.2020. There was arrears of maintenance payable by the petitioner and hence, the respondents filed an application u/s.125(3) of Cr.P.C. for recovery of arrears of maintenance and for issuing arrest warrant against the petitioner for non-compliance of the order.

4. The petitioner filed an application to recall the warrant in Crl.M.P.



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No.442 of 2022. When the said application came up for hearing on 03.06.2023, the petitioner was neither present nor was represented through a counsel and the payment was also not made and in view of the same, the Court below dismissed the petition. Aggrieved by the same, the present petition has been filed before this Court.

5. There are absolutely no merits in this petition and this Court finds that the petitioner is not interested in settling the maintenance amount and therefore, the Court below was perfectly right in dismissing the application. There is no ground to interfere with the same.

In view of the above, this Criminal Original Petition is dismissed.

14.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
gm / mjs

N.ANAND VENKATESH, J



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To

The V Additional Family Court,
Chennai.

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