



Crl.O.P.(MD)Nos.4618 and 4627 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)Nos.4618 and 4627 of 2023

M.Selvan

... Petitioner
in both Crl.O.Ps

Vs.

1.Anitha

2.Minor Dharshini Devi

3.Minor.Vigneshwaran
(2nd and 3rd respondents represented
through the first respondent)

4.The Superintendent of Police,
Dindigul District.

5.The Inspector of Police,
Thadikombu Police Station,
Dindigul District.

... Respondents
in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the Family Court, Madurai to consider the warrant recall petition filed under Section 70(2) of Cr.P.C on the same day of petitioner's surrender before the trial Court in Connection with Cr.M.P.Nos.19 of 2020 and 105 of 2022 in M.C.No.66 of 2011.



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For Petitioner : Mr.M.Suresh
(In Both Crl.O.Ps)
For Respondent : Mr.B.Nambiselvan
(In Both Crl.O.Ps) Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed, invoking Section 482 Cr.P.C., seeking orders to direct the Family Court, Madurai to consider the warrant recall petition filed under Section 70(2) of Cr.P.C on the same day of petitioner's surrender before the trial Court in Connection with Cr.M.P.Nos.19 of 2020 and 105 of 2022 in M.C.No.66 of 2011.

2. The petitioner and the first respondent are husband and wife, due to difference of opinion, they separated. Thereafter, the first respondent filed M.C.No.66 of 2011, before the learned Family Court, Madurai and the same was disposed of with a direction to the petitioner to pay a sum of Rs.2,000/-(Rupees Two Thousand only) each, to the respondents.

3. Due to financial crisis, the petitioner was unable to pay the maintenance amount regularly. Thereafter, the first respondent filed



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Cr.M.P.No.19 of 2020 for recovery of Rs.4,22,740 /- and the petitioner has already paid the part of the amount, the case was posted on 01.02.2023 for further payment.

4. Due to law and order issue arose in the locality, the petitioner was not able to appear before the trial Court and hence, Non Bailable Warrant has been issued against this petitioner.

5.Now, the warrant has been issued against him for non-appearance before the trial Court. The learned counsel for the petitioner submitted that the petitioner is ready to pay the entire arrear amount.

6. Heard the learned counsel for the petitioner and also perused the materials available on record.

7. The petitioner ought to have paid the entire arrear amount without any fail, but it appears that the petitioner failed to pay the arrear amount and approached this Court.



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5. Considering the facts and circumstances of this case, this Court feels that such direction may not be proper. The petitioner is directed to approach the concerned trial Court by setting all the facts and the circumstances of the case to recall the warrant.

6. This Court cannot decide, whether the petitioner got merit or not. No positive direction can be issued. The petitioner is granted liberty to workout his remedy before the concerned Court. At the time of hearing the recall petition, the trial Court may consider the petitioner's submission.

With the above said liberty, this Criminal Original Petitions are dismissed.

13.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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1. Family Court, Madurai.
2. The Superintendent of Police,
Dindigul District.
3. The Inspector of Police,
Thadikombu Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAAN,J

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Order made in
Crl.O.P.(MD)Nos.4618 and 4627 of 2023

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