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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28/03/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.18207 of 2022

Thiyagarajan : Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram,
Ramanathapuram District

3.Mangleswari @ Mangeswari

4.Divya : Respondents

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the Family Court, Ramanathapuram to recall the bailable warrant issued against the petitioner on 15/07/2022 in Cr1.M.P No.89 of 2022 without insisting the personal appearance of the petitioner, to recall the same in accordance with law, within time stipulated by this court.



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For Petitioner : Mr.D.Balamurugapandi

For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)For 2nd Respondent : Mr.T.Veera Kumar**O R D E R**

This criminal original petition has been filed seeking for direction to the Family Court, Ramanathapuram to recall the bailable warrant issued against the petitioner, on 15/07/2022 in CrI.M.P No.89 of 2022 without insisting the personal appearance of the petitioner.

2.The facts in brief:-

The petitioner is the husband and father of the child namely Divya. The wife along with the child filed MC No.37 of 2013 before the Chief Judicial Magistrate, Ramanathapuram seeking maintenance. That was allowed directing the petitioner herein to pay a sum of Rs.2,000/- to the wife and Rs.8,000/- to the child. Against which, it appears that no further proceeding was taken by the petitioner. Because of the non-payment of



the arrears of maintenance amount, the wife and the child filed CrI.MP No.89 of 2022 before the Family Court, Ramanathapuram. In that petition, notice was ordered to the petitioner and he was appearing before the court and he was also paying a portion of arrears amount on various dates. On 15/02/2022, the petitioner did not appear before the court. As on date, Rs.1,30,000/- was paid and the remaining amount was Rs.2,00,000/- as on 07/06/2022. The petitioner appeared before the court and undertook to pay the balance amount on or before the next hearing date. But he did not appear and comply the order also. So bailable warrant was issued.

3.Now against the bailable warrant, this petition has been filed seeking a direction to the Family Court, Ramanathapuram to consider the recall application without insisting the presence of the petitioner before the court.

4.Heard both sides.

5.This court absolutely is not in a position to appreciate the grievance expressed by the petitioner.



6.The petition is absolutely devoid of merits.

28/03/2023

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To,

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- 1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram,
Ramanathapuram District
- 3.The Family Court,
Ramanathapuram.

G.ILANGOVAN, J



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28/03/2023