



WEB COPY

CrI.O.P.(MD)No.20201 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) No.20201 of 2023

Madasamy

... Petitioner

Vs.

The Inspector of Police,
Ayikudi Police Station,
Tenkasi.

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the Non Bailable Warrant in CrI.M.P.No.5291 of 2022 in M.C.No.15 of 2014, dated 13.10.2023 on the file of the Judicial Magistrate Court cum Principal District Munsif Court, Shengottai.

For Petitioner : Mr.TV.Kishore Kumar

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (CrI.side)

ORDER

This Criminal Original Petition is filed to set aside the Non Bailable Warrant in CrI.M.P.No.5291 of 2022 in M.C.No.15 of 2014, dated 13.10.2023 on the file of the Judicial Magistrate Court cum Principal District Munsif Court, Shengottai.



2. The petitioner is a respondent in M.C.No.15 of 2014. The order was passed on 17.08.2022, after eight years and this petitioner was directed to pay a sum of Rs.10,000/- in total to the son and wife as maintenance, from the date of that petition namely 17.01.2014. Apart from that, the compensation amount of Rs.1,00,000/- was also awarded. To enforce the order, the wife filed Cr.M.P.No.5291 of 2022. Since the petitioner/husband failed to appear, warrant was issued against him on 20.01.2023, against which, the present petition has been filed.

3. Perusal of the record shows that a similar application was filed by the petitioner in CrI.O.P.No.5687 of 2023. At that time, he was directed to appear before the enquiry Court and co-operate with the enquiry Court to complete the process of enquiry. In pursuance of the above said direction, he appeared before the concerned Court once, but later, failed, because of that warrant was issued. An earlier order reads that total amount of Rs.11,50,000/- is pending due and he paid paltry amount of Rs.2,000/- on 08.09.2023. He was directed to pay 20% of the pending arrear amount. He failed to comply. So, he was directed to appear before that Court in person, at that time, he stated that he is not in a position to pay the entire amount in one installment. If it is so, he ought to have complied the earlier order. They have failed several times to



comply the order, it may not be proper, repeated applications are filed before this Court. Noting the conduct of the petitioner, he is not entitled for any relief from this Court. Hence, this petition deserves dismissal and accordingly dismissed. The petitioner is directed to workout his remedy before the concerned Court itself.

4. With the direction and liberty, this Criminal Original Petition is dismissed.

19.12.2023

Index : Yes/No
Internet : Yes/No
Indu

To

- 1.The Inspector of Police,
Ayikudi Police Station,
Tenkasi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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