



Crl.R.C. No. 252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE M. NIRMALKUMAR

CRIMINAL REVISION CASE No. 252 of 2024

&

Crl.M.P. No. 2349 of 2024

S.M. Jayaprakash

..Petitioner

Vs.

1. Minor Rathimalar
Rep. by her mother and natural guardian
Vijayalakshmi
2. The Chief Educational Officer,
Collectorate Building,
Tiruvallur.
3. The Head Master of Government Higher
Secondary School,
Channur,
Mallavaram Village & Road,
R.K. Pet Taluk,
Tiruvallur District.

..Respondents



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Prayer: Criminal Revision under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order dated 04.01.2024 made in Crl.M.P. No. 5951 of 2023 in M.C. No. 7 of 2012 on the file of Judicial Magistrate Court, Tiruttani.

For Petitioner :: Mr.C. Munusamy

For Respondents :: Mr.N. Sudharsan for R1
Mr.A. Damodaran
Addl. Public Prosecutor

for R2

O R D E R

The above criminal revision petition is filed to set aside the order dated 04.01.2024 made in Crl.M.P. No. 5951 of 2023 in M.C. No. 7 of 2012 on the file of Judicial Magistrate Court, Tiruttani.

2. Read this in conjunction with and in continuation of the orders made in the earlier listing on 23.09.2024 and 15.10.2024, which read as follows:

'Order dated 23.09.2024:

Learned counsel for the petitioner is present through virtual mode.

2. In continuation of the earlier order passed by this Court dated 06.08.2024, the petitioner, by name, S.M. Jayaprakash is present before this Court. He handed over a Demand Draft dated 20.09.2024 drawn on Indian Bank, Ammayarkuppam, for a sum of



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Rs. 1,10,000/- in favour of the respondent as initial payment. The same is handed over to the learned counsel for the respondent.

3. *Further, the petitioner has undertaken to pay the balance amount of Rs.2,10,000/- in two instalments for which the learned counsel for the respondent is also agreeable.*

4. *Therefore, the petitioner shall pay a sum of Rs.1,10,000/- on or before 14.10.2024 and the balance amount of Rs.1,00,000/- shall be paid on or before 30.10.2024.*

5. *Learned counsel for the respondent fairly submitted that if the amount is paid as per the above schedule, he is ready to give quietus to the issue.*

6. *Post on 15.10.2024 for compliance of payment of first instalment. '*

'Order dated 15.10.2024:

In continuation to the order passed by this Court on 23.09.2024, today the petitioner who is present before this Court is paying the balance amount of Rs.2,10,000/- by way of cheque drawn on Indian Bank, Ammayarkuppam Branch, bearing Cheque No.732695 dated 15.10.2024.

2.The learned counsel for the petitioner submitted that as per the order passed in Crl.M.P.No.5951 of 2023 the petitioner now paid the entire arrears amount of Rs.3,20,000/- to the respondent, hence the same to be recorded by the learned Judicial Magistrate, Tiruttani and the order of attachment of salary to be raised.

3.Mr.T.Ranganathan, grandfather of the respondent, who is present before this Court received the cheque. He would submit that from 01.01.2023 to till date, the petitioner has to pay arrears for 22 months which works to Rs.1,32,000/-. He further submitted that though the petitioner is employed as a Teacher receiving handful income, he is neglecting to maintain his own daughter who is studying X Standard in Selvam Matriculation School, Arakkonam. Further, he apprehends that it is only a cheque, he needs to deposit the same and realize the amount.



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4.The learned counsel for the petitioner submitted that he would advise his client and the arrears of payment would be made on or before December 2024. He further submitted that the cheque which has been handed over today would get honoured without fail. Further, the petitioner would start making payment of maintenance amount from October 2024 by transferring the amount to the bank account of the respondent/R.Vijayalakshmi who is having a bank account in State Bank of India, Tiruttani Branch in Savings Bank Account No.11143161475 on or before 10th of every English Calendar month.

5.Post the matter on 19.10.2024.'

3. It is seen that the cheque amount of Rs.2,10,000/- paid on 23.09.2024 has been honoured and as such, the petitioner has paid the entire arrears amount of Rs.3,20,000/- which was claimed in Crl.M.P. No. 5951 of 2023. Further, the petitioner has undertaken to pay Rs.1,32,000/- which is due from 01.01.2023 on or before December, 2024 and the learned counsel for the 1st respondent is also agreeable for the same.

4. Since the petitioner's salary was attached for non-payment of arrears amount and the above revision was filed for raising the attachment, in view of the fact that the entire arrears has been paid and the petitioner has also undertaken to pay the amount due from 01.01.2023, the revision stands

M. NIRMALKUMAR,J.



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allowed and the attachment of petitioner's salary is hereby raised. Connected miscellaneous petition is closed.

19.10.2024

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To

1. The Judicial Magistrate Court,
Tiruttani.
2. The Public Prosecutor,
High Court, Madras.

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