



Crl.O.P.No.6345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P No.6345 of 2024
and Crl MP No.4674 of 2024

TPA Xavier

...Petitioner

Vs.

1. Kalyani Xavier

2. Abhishek Xavier

3. Aashish Xavier

...Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crl MP No.999 of 2010 in MC No.11 of 2003 on the file of the Principal District Judge, Chengalpet, set aside the docket order dated 23.01.2024.

For Petitioner : Mr.M.Devaraj

ORDER

This Criminal Original petition has been filed challenging the docket order passed by the Court below on 23.01.2024 for the arrest of the petitioner.



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2. It is seen from the order passed by the Court below on 13.12.2022 that the petitioner / husband was directed to pay or deposit the entire arrears of maintenance. Since this order was not complied with, the respondent/wife took steps to arrest the petitioner. The petitioner has now challenged the order of arrest dated 23.01.2024. If the petitioner is aggrieved by the order passed on 13.12.2022, that order has to be put to challenge and the consequential order that was passed on 23.01.2024 alone cannot be challenged. Therefore, this Court does not find any ground to interfere with the order passed by the Court below on 23.01.2024. If the petitioner is aggrieved by the order passed on 13.12.2022, it is left open to the petitioner to work out his remedy in the manner known to law. If on the other hand, the petitioner claims that he has paid the entire maintenance amount to the respondent/wife, the same has to be brought to the notice of the Court below in order to enable the Court below to ascertain whether the entire amount has been paid. Except giving this liberty, no further orders can be passed in this petition.

3. This Criminal original petition is disposed of in the above terms.

15.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No
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To

1.Principal District Judge, Chengalpet,

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

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