



Crl.O.P.(MD)No.2483 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.2483 of 2025

Murugan

... Petitioner

Vs.

Tamilarasi

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS to direct the Family Judge, Madurai to dispose the Crl.M.P.No.136 of 2024 in Crl.M.P.No.227 of 2019 within stipulated time may be fixed by this Court.

For Petitioner

: M/s.P.Sepana @ Sree

For Respondent No

: No apperance

ORDER

This Criminal Original Petition has been filed to direct the Family Judge, Madurai to dispose the Crl.M.P.No.136 of 2024 in Crl.M.P.No.227 of 2019 within stipulated time may be fixed by this Court.



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2. According to the petitioner, he is the respondent in Crl.M.P.No.227 of 2019. The said petition was filed by the respondent herein to pay the arrears of maintenance amount of Rs.4,05,000/- by attaching the pension of the petitioner herein through Garnishee. The trial court has passed an order on 07.01.2022 and partly allowed the petitioner and directed to attach the bank account or immovable properties of this petitioner. The said order was challenged through Crl.R.C.(MD).No.272 of 2024 with condone delay petition. As per the direction of this Court, the petitioner has deposited a sum of Rs.5,00,000/- and thereafter the delay was condoned. Since a sum of Rs.5,00,000/- was deposited as per the direction of this Court, the prayer in the Criminal Revision Case had become infructuous and the same was withdrawn by the petitioner herein. In the meantime, the trial Court has frozen the bank account of the petitioner. Now, after deposit of Rs. 5,00,000/-, the petitioner filed Crl.M.P.No.136 of 2024 to de-freeze his account. But, the trial Court has not passed any orders and simply adjourned the said petition periodically. Therefore, the present Criminal Original Petition has been filed.



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3. Considering the limited scope of prayer sought for in this petition, this Court is inclined to pass orders without issuing any notice to the respondent and without affecting the rights of the respondent.

4. According to the petitioner, the respondent filed a petition to attach the pension of the petitioner for the maintenance arrears amount of Rs. 4,05,000/-. In the meantime, the account of the petitioner was also frozen. Challenging the said attachment order, he filed Crl.R.C.(MD).No.272 of 2024 along with condone delay petition. This Court directed the petitioner to deposit a sum of Rs.5,00,000/-. Based upon the said order, the petitioner had deposited Rs.5,00,000/- and he withdrawn the said revision case.

5. Thereafter, the petitioner filed a petition in Crl.M.P.No.136 of 2024, before the trial Court to de-freeze his account. But, the trial Court has not passed any orders. This Court also perused all the records and found that the trial Court has passed an order to freeze the account of the petitioner and directed to pay the maintenance arrears amount of Rs.4,05,000/-. But, already the petitioner deposited a sum of Rs.5,00,000/-, based upon the orders of this Court. Therefore, he filed a petition to de-freeze his account.

The said petition was filed on 26.04.2024, the trial Court has not passed any



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orders. This Court also perused the case diary of the said case and found that the trial court without passing any orders simply adjourned the case under the caption for awaiting orders. The main contention of the petitioner is that there is no petition or revision case is pending before this Court, but the trial Court adjourned the case as awaiting orders. Therefore, in view of the above, it is the duty of the trial Court to pass orders in the Crl.M.P.No. 136 of 2024, since the order of the Court has already been complied with. Therefore, it is appropriate to direct the trial Court to complete the proceedings in Crl.M.P.No.136 of 2024 in Crl.M.P.No.227 of 2019 within a period of fifteen days (15) from the date of receipt of a copy of this order. Accordingly ordered.

6. With the above said observations, this Criminal Original Petition is allowed.

10.02.2025

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

The Special Judge for Family Court,
Madurai



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P. DHANABAL, J.,

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