



Crl.O.P(MD)No.2342 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.2342 of 2025

V.Deepan

... Petitioner

Vs.

M.Priya

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of B.N.S., 2023 / under Section 482 of Cr.P.C., to direct the learned Family Judge, Sivagangai to recall the Non Bailable Warrant issued as against the petitioner on 20.06.2024 in Crl.M.P.No.41 of 2020 in M.C.No.47 of 2019 on the file of Hon'ble Family Court, Sivagangai on the same day of surrender and to pass such further or other orders as this Court.

For Petitioner : Mr.K.Jeyamohan



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Crl.O.P(MD)No.2342 of 2025

ORDER

This Criminal Original Petition has been filed to direct the learned Family Judge, Sivagangai to recall the Non Bailable Warrant issued as against the petitioner on 20.06.2024 in Crl.M.P.No.41 of 2020 in M.C.No.47 of 2019 on the file of the Hon'ble Family Court, Sivagangai on the same day of surrender.

2. Considering the limited scope of prayer in this petition, this Court is inclined to pass order even without issuing notice to the respondent.

3. The prayer of the petitioner is that to consider the surrender of the petitioner and to recall the Non Bailable Warrant issued as against the petitioner on the same day. According to the petitioner, the respondent is the wife of the petitioner and she filed a petition in M.C.No.47 of 2019 before the Family Court, Sivagangai and thereafter, an *ex parte* order was passed by directing the petitioner to pay a sum of Rs.20,000/- per month towards maintenance. Thereafter, the respondent has filed a petition under Section 128 of Cr.P.C to enforce the order of maintenance in Crl.M.P.No.41 of 2020 in



Crl.O.P(MD)No.2342 of 2025

M.C.No.47 of 2019 and NBW was issued as against the petitioner by the Family Court, Sivagangai on 20.06.2024. Hence, the present petition.

4. Since the prayer sought for in the petition is limited purpose, it is appropriate to direct the learned Family Judge, Sivagangai to consider the surrender of the petitioner for cancelling the NBW issued as against the petitioner on 20.06.2024 and consider the same on merits in accordance with law on the same day. Accordingly, ordered. The petitioner is directed to surrender before the Family Court, Sivagangai, within a period of 15 days from the date of receipt of a copy of this order.

5. With the above said direction, this Criminal Original Petition stands disposed of.

06.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



Crl.O.P(MD)No.2342 of 2025

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- To
- 1.The Family Judge,
Sivagangai.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.2342 of 2025

P.DHANABAL, J.

BTR

Crl.O.P(MD)No.2342 of 2025

06.02.2025