



Crl.O.P.(MD)No.13484 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.13484 of 2025

T. Maruthupandi @ Maruthaiah

... Petitioner/Petitioner

Vs

1. Selvi

2. Minor. Sivaniya,

(The second respondent is represented by her mother
and natural guardian namely the first respondent)

...Respondent Nos.1 and 2/
Petitioners

3. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Chokkampatti Police Station,
Chokkampatti,
Tenkasi District.

...3rd Respondent/Nil

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judicial Magistrate, Tenkasi to entertain the Petition to Recall the Non Bailable Warrant order dated 13.12.2024 passed in Crl.M.P.No. 589/2024 in D.V.C. No. 19/2022 on the file of the learned Judicial Magistrate, Tenkasi and surrender petition filed by his counsel without physical presence of the petitioner and direct the trial Court to consider petition to recall the non bailable warrant dated 13.12.2024 on the same day.



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For Petitioner : Mr.B.Prahalad Ravi
For R3 : Mr.P.Kottai Chamy
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Judicial Magistrate, Tenkasi, to entertain the petition for recall of the Non-Bailable Warrant issued against the petitioner on 13.12.2024 in Crl.M.P. No.589 of 2024 in D.V.C. No.19 of 2022, and to consider his surrender petition filed by counsel without insisting on the physical presence of the petitioner on the same day.

2. The learned counsel for the petitioner would submit that the learned Judicial Magistrate had issued the Non-Bailable Warrant against the petitioner without issuing notice in Crl.M.P.No.589 of 2024 in D.V.C.No.19 of 2022. It is further submitted that the learned Judicial Magistrate had already disposed of the case in DVC No.19 of 2022, vide order, dated 07.06.2023, granting relief in favour of the respondent Nos.1 and 2 and challenging the said order, the petitioner has filed an appeal before the Sessions Court, Tirunelveli, which is stated to be pending.



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3. The learned counsel, however, submits that he is not aware of the appeal number or the present status of the proceedings. He further submits that if the matter is referred to mediation, there is a possibility of settlement.

4. This Court is not aware of the circumstances under which, the said Non-Bailable Warrant was issued against the petitioner. However, under the provisions of the Bharatiya Nyaya Sanhita (BNS), the petitioner is at liberty to file a suitable application before the concerned Magistrate Court seeking recall of the Non-Bailable Warrant.

5. In view of the above, this Criminal Original Petition stands dismissed. The petitioner is directed to surrender before the concerned Court and file a suitable application for recall of the Non-Bailable Warrant. The concerned trial Court shall consider such application for recall on the very same day of its filing, subject to the petitioner depositing a sum of Rs. 50,000/- before the said Court, in addition to such further conditions as may be imposed.

12.08.2025

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

Indu



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- To
- 1.The Inspector of Police,
Chokkampatti Police Station,
Chokkampatti,
Tenkasi District.
 - 2.The Addiitonal Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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