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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.6528 of 2026

Jeya Chella

...Petitioner/Petitioner

Vs

State of Tamilnadu,
Rep by Inspector of Police,
AWPS-Kanyakumari Police Station,
Kanyakumari District.
Crime No. 13 of 2014.

...Respondent /Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the impugned proclamation proceedings and notice dated 30.10.2025 issued U/s. 82 of Cr.P.C. in Cr.M.P.No.944 of 2025 in C.C. No. 479 of 2018 on the file of the learned Judicial Magistrate, Additional Mahila Court, Nagercoil and set aside the same as illegal, and consequently direct the learned the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, to accept the surrender of the petitioner and consider the recall petition to be filed under Section 72(2) of BNSS, to recall the non-bailable warrant issued against the petitioner in C.C.No.479 of 2018, on the same day.



For Petitioner : M/s.R.Anand
for M/s.M.Maharaja

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

* * * * *

ORDER

The present petition has been filed by the accused person in C.C.No.479 of 2018, on the file of the Judicial Magistrate, Additional Mahila Court, Nagercoil, seeking to set aside the order dated 30.10.2025 passed in Cr.M.P.No.944 of 2025 wherein an order of proclamation has been issued under Section 82 of Cr.P.C.

2. A perusal of the records reveal that the wife of the petitioner has lodged a complaint under Section 498-A, I.P.C., along with other provisions as against the petitioner and his family members. The petitioner had not appeared and he was absconding. Despite issuance of NBW, he could not be secured. The case was split up and the mother of the petitioner was also arrayed as an accused has been acquitted. Thereafter, a proclamation order has been passed by the Judicial Magistrate, Additional Mahila Court, Nagercoil, on 30.10.2025 invoking Section 82 of Cr.P.C.



3. According to the learned Counsel appearing for the petitioner, he was working in Assam and he was not aware of the issuance of NBW as against him. He was under the impression that the case as against him has been closed. Considering the fact that one of the accused persons has already has been acquitted and the petitioner is ready to surrender before the concerned Court and face the trial, this Court is inclined to pass the following order:-

a) An order dated 30.10.2025 in Cr.M.P.No.944 of 2025 C.C.No.479 of 2018, on the file of the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, is hereby set aside; and

b) The petitioner is directed to surrender before the Judicial Magistrate, Additional Mahila Court, Nagercoil, on or before 06.04.2026 and on such surrender, the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, is directed to consider the recall application and permit the petitioner to participate in the trial.

4. With the above said observations, this Criminal Original Petition stands allowed to the extent as stated above.

02.04.2026

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

Note: Issue order copy on 02.04.2026



To

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1. The learned Judicial Magistrate,
The Additional Mahila Court,
Nagercoil.
2. The Inspector of Police,
AWPS-Kanyakumari Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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