



CRL OP(MD).No.7124 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **10.04.2026**

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL OP(MD)No.7124 of 2026

T.S.Sam Dhas

... Petitioner

Vs

1.P.S.Philomina Angelin

2.The State Rep. by
The Inspector of Police,
Thermalnagar,
Thoothukudi District.

... Respondents

Prayer: Petition filed under Section 528 of BNSS, to direct the learned Family Court, Thoothukudi to re-call the warrant dated 29.01.2026 pending against the petitioner in Crl.M.P.(MD)No.737 of 2022 in M.C.No.75 of 2020 and consequently, permit the petitioner to appear on the next hearing date i.e., 27.03.2026 or on such date as may be fixed by this Court.

For Petitioner : Mr.J.Jeevin

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

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The petitioner is facing maintenance proceedings before the Family Court, Thoothukudi, in M.C.No.75 of 2020, initiated by the first respondent.

2. The petitioner failed to appear before the Family Court in Crl.M.P.No.737 of 2022 and therefore, NBW was issued as against him. Therefore, this petitioner has filed this application seeking a direction to the Family Court, Thoothukudi to recall the order dated 29.01.2026.

3. The learned counsel appearing for the petitioner submits that this petitioner has underwent bypass surgery and therefore, he was not in a position to appear before the Family Court on the hearing dates.

4. However, when this Court questioned the learned counsel about the date on which surgery was conducted or any relevant materials, if any on that, he is not having any reply. Normally, this Court would not entertain an application for issuing direction to recall NBW. However, in this case, Maintenance Case filed by the first respondent before the

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Family Court in M.C.No.75 of 2020 is pending from the year 2020.

Since the petitioner failed to appear for hearing, NBW was issued. The second respondent Police has not executed the warrant for all this time and therefore, Maintenance Case could not be proceeded before the Family Court, Thoothukudi. In the event, if this petition is not allowed, then the second respondent Police would never arrest this petitioner.

5. Therefore, in order to enable the Family Court to proceed with the maintenance proceedings, this Criminal Original Petition is allowed with a direction to the petitioner to surrender before the Family Court, Thoothukudi on 20.05.2026. The petitioner has to deposit a sum of Rs. 50,000/- to the credit of M.C.No.75 of 2020 on the file of the Family Court, Thoothukudi. In the event, if the petitioner deposits the aforesaid amount and surrenders before the Court on 20.05.2026, the Family Court, Thoothukudi is directed to re-call the NBW pending as against the petitioner, proceed with the trial and conclude the same within a reasonable time.



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6. In the event, the petitioner fails to surrender before the Court on 20.05.2026, the second respondent Police is directed to execute the warrant within a period of one month thereafter.

10.04.2026

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To

1.The Inspector of Police,
Thermalnagar,
Thoothukudi District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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