



Crl.R.C.(MD)No.855 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.05.2026**

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

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1. K.Dharmarajan

2. Chellammal

3. Nathita

4. Paviya

... Petitioners

Vs

State Of Tamilnadu Rep By
The Inspector Of Police,
AWPS-Thiruppathur
Sivagangai District.

... Respondent

Prayer: This Criminal Revision Case filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order passed in Crl.M.P.No.237 of 2026 dated 14.05.2026 in C.C.No.182 of 2022 on the file of the learned Principal District Munsif-cum-Judicial Magistrate, Thirupathur, Sivagangai District and set aside the same, and consequently direct the learned Principal District Munsif cum Judicial Magistrate, Tirupathur to recall the Non-Bailable Warrant without insisting upon the personal appearance of the petitioners and to receive the bond filed by the petitioners under Section 88 of Cr.P.C/Section 91 of the BNSS and consider and pass appropriate orders on the very same day of presentation in accordance with law and pass such further or other orders.



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For Petitioners	: Mr.R.Boopathi
For Respondent	: Mr.Abul Kalam Azad Government Advocate (crl.side)
For intervener	: Mr.S.Mahesh Babu

ORDER

The present petition has been filed by Accused Nos. 2 to 5 in C.C. No. 182 of 2022, on the file of the Principal District Munsif-cum-Judicial Magistrate, Thirupathur, Sivagangai District, challenging the dismissal of their application to recall the non-bailable warrant.

2. The petitioners herein, along with their son/A1, are facing a criminal trial for offences punishable under Sections 498(A), 342, and 506(i) of the IPC, r/w. Sections 4 and 6 of the Dowry Prohibition Act, in Crime No.6 of 2022 on the file of the respondent police.

3. The first accused in the said case, who is the son of the first and second petitioners herein, has been absconding for the past three years and he is said to be residing abroad. The anticipatory bail application filed by the petitioners herein in Crl.O.P.(MD) No.18062 of 2022 was allowed by this Court, vide order dated 17.10.2022, with a specific direction that the first accused (husband) shall return to India within a period of six months and pay maintenance of Rs.20,000/- per month.



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4. It is brought to the notice of this Court that, though the first accused had returned to India, he left abroad again in the year 2023 and he has not been appearing before the trial Court. It is further brought to the notice of this Court that the monthly maintenance of Rs. 20,000/- has not been paid, except for one month.

5. In view of the above reasons, the complainant has approached this Court seeking cancellation of the anticipatory bail granted to the first accused (husband) by this Court on 27.11.2025 in Crl.O.P.(MD) No.21658 of 2025. It is also brought to the notice of this Court that the anticipatory bail application filed by the first accused (husband) has since been dismissed by this Court.

6. It is brought to the notice of this Court that the respondent police have so far not taken any steps to secure the first accused, despite the dismissal of the anticipatory bail application and the violation of this Court's orders directing him to return to India and pay maintenance of Rs.20,000/- per month.

7. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that a lookout circular has been issued to secure the first accused (husband). The respondent police are directed to expedite the process



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and ensure that the passport of the first accused is revoked and that he is brought back to India in order to settle the matrimonial dispute.

8. As far as the present case is concerned, the parents-in-law and sister-in-law of the complainant did not appear before the concerned Court on 11.05.2026, on which date a Non-Bailable Warrant was issued. The present application to recall the NBW was filed within three days, namely on 14.05.2026. However, the trial Court dismissed the said application primarily on the ground that their anticipatory bail applications had been dismissed and that they were not regularly appearing before the Court.

9. Considering the fact that the first and second petitioners are the parents-in-law and senior citizens, and that the other two petitioners are the sisters-in-law of the complainant, this Court is inclined to set aside the order of the trial Court passed in Crl.M.P. No.237 of 2026 dated 14.05.2026.

10. It is made clear that, in the event of any non-appearance by the petitioners on future hearing dates, no leniency shall be shown to them whatsoever, particularly in light of the cancellation of their anticipatory bail applications. The petitioners are directed to cooperate with the trial and to appear regularly before the trial Court. The respondent police are directed to



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take immediate steps to secure the first accused and to take steps to bring him back to India in accordance with due process of law.

11. With the above said observations, this Criminal Revision Case is allowed.

21.05.2026

Index :yes/No
Internet:yes/No
gvn

To

1.The Principal District Munsif-cum-Judicial Magistrate, Thirupathur, Sivagangai District

2.The Inspector Of Police,
AWPS-Thiruppathur,
Sivagangai District.

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



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R.VIJAYAKUMAR,J.

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