



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

WEB COPY

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 1492 of 2025

Sekar

..Petitioner

Vs

1. The Home Secretary,
Government of Tamilnadu,
St.George Fort,
Chennai-600 009.

2. The Sub Inspector of Police,
Pernambut Police Station,
Pernambut Taluk,
Vellore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other writs or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case by directing the respondents 1 and 2 to pay a compensation of Rs.1 Lakh to the petitioner for the illegal arrest and detention of the petitioner made by the 2nd respondent contrary to law and the provisions of BNSS and pass such further other orders may deem fit and proper in the circumstances of the case thus render justice.

For Petitioner:

Mr.V.M.Gramakkannan

For Respondents:

Mr.R.Ganesh Kumar

Counsel for Government of Tamil Nadu (CrI.Side)

**ORDER**

This Writ Petition (Criminal) has been filed seeking a direction to the respondents 1 and 2 to pay compensation of Rs.1,00,000/- to the petitioner for his illegal arrest and detention.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner got married to one Dhakshayini and out of the wedlock, two children were born to them. While being so, due to misunderstanding, they got separated. Thereafter, the petitioner and minor children filed a petition for maintenance in MC No.28 of 1993, which was allowed by order dated 15.07.1996 thereby directing the petitioner to pay a sum of Rs.500/- for maintenance. Subsequently, the petitioner's wife filed a petition in CrI.M.P.No.113 of 2008 seeking enhancement of maintenance and the same was allowed, thereby enhancing the maintenance amount of Rs.1,250/- per month. However, the petitioner failed to comply with the said order after 15.04.2020. Thereafter, the matter was referred to the Lok Adalat for settlement, wherein the petitioner agreed to pay a sum of Rs.2,00,000/- as one- time settlement. According to the petitioner, due to Covid-19 pandemic circumstances, he could not able to appear before the Trial Court and there was arrears of maintenance. Hence, the wife of the petitioner filed a petition claiming arrears of maintenance. In the said proceedings, the petitioner failed to appear before the Trial Court and was set exparte. Consequently, the Trial



Court issued a Non-Bailable Warrant against the petitioner. In order to execute the said warrant, the second respondent secured the petitioner and produced him before the Trial Court. Thereafter, the petitioner paid the amount due, the Non-Bailable Warrant was recalled and he was released. Now, the petitioner come forward with the present writ petition claiming compensation for his alleged illegal arrest by the second respondent.

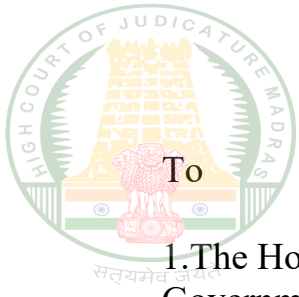
4. A perusal of the records reveals that the petitioner was secured only pursuant to the warrant issued by the Trial Court and was produced before the Trial Court. Insofar as the use of the prescribed forms is concerned, the second respondent has merely acted upon the warrant and the forms issued by the Trial Court while executing the same. Therefore, the second respondent cannot be said to have committed any illegality in securing the petitioner in execution of the Non-Bailable Warrant issued against him.

5. In view of the above, the representation submitted by the petitioner seeking compensation cannot be considered. Thus, the writ petition lacks merit and is liable to be dismissed. Accordingly, this Writ Petition (Criminal) stands dismissed. No costs.

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP



To

1.The Home Secretary,
Government of Tamilnadu,
St.George Fort,
Chennai-600 009.

2.The Sub Inspector of Police,
Pernambut Police Station,
Pernambut Taluk,
Vellore District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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WP CrI. No. 1492 of 2



G.K.ILANTHIRAIYAN J.

LPP

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07-07-2026