

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Reserved on : 11.08.2017****Pronounced on : 07.09.2017****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.19992 of 2016**

Smt.P.Pushpakantham

..

Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Chennai - 600 007

2. The Inspector of Police,
R-5, Police Station,
Virugambakkam,
Chennai - 600 092.

..

Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Inspector of Police, R-5, Police Station, Virugambakkam, Chennai - 600 092, the second respondent herein to execute the Non Bailable Warrant against the accused/opposite party concerned in E.A.No.5 of 2014 in C.C.No.509 of 2007 on the file of the District Consumer Disputes Redressal Forum, Chennai (South) within a time frame as fixed by this Court.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.P.Govindarajan

Additional Public Prosecutor.

ORDER

Exercising its powers under Section 27 of the Consumer Protection Act, 1986, the District Consumer Disputes Redressal Forum, Chennai (South), Chennai had issued a Non Bailable Warrant against the accused/opposite party in E.A.No.5 of 2014 in C.C.No.509 of 2007.

2.Heard Mr.A.Varun, learned counsel for the petitioner as well as Mr.P.Govindarajan, learned Additional Public Prosecutor appearing for the respondents.

3.The grievance of the petitioner is that the second respondent has failed to execute the Non Bailable Warrant and hence, the present petition has been filed.

4.According to the learned counsel for the petitioner, the District Consumer Disputes Redressal Forum, Chennai (South), Chennai has sent many remainders to the respondents to execute the Non Bailable Warrant which remained futile under Article 261(3)

of the Constitution of India. There is a mandate to execute judicial proceedings within the territorial jurisdiction of the respondents. It is unfortunate that inspite of several reminders, the respondents had failed to execute the Non Bailable Warrant for more than three years. The inaction on the part of the respondents amounts to violation of their statutory duties/derelictions. Hence, it would be appropriate to direct the respondents to execute the warrant within the stipulated time.

5.Considering the fact and circumstances of the case and also taking into account, the submission made by the learned counsel for the petitioner, the Criminal original petition stands allowed. There shall be a direction to the second respondent to execute the Non Bailable Warrant pending against the accused/opposite party in E.A.No.5 of 2014 in C.C.No.509 of 2007 on the file of the District Consumer Disputes Redressal Forum, Chennai (South), Chennai, within a period of four weeks from the date of receipt of a copy of this order.

07.09.2017

Index:Yes/No

Internet:Yes/No
DP

M.S.RAMESH.J,

DP

To

1. The Commissioner of Police,
Greater Chennai,
Chennai - 600 007
2. The Inspector of Police,
R-5, Police Station,
Virugambakkam,
Chennai - 600 092.
3. The Public Prosecutor,
High Court, Madras.



**order made in
Crl.O.P.No.19992 of 2016**

WEB COPY

07.09.2017