



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD)No.12476 of 2017

K.Syed Nisha

... Petitioner

Vs.

State Rep. by

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.

3.S.Sirajudeen @ Kadar Khan

... Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code seeking a direction to the respondents 1 & 2 to execute the Non-Bailable Warrant dated 02.02.2015 issued by the Family Court, Madurai, in Cr.M.P.No.227 of 2014 in M.C.No.73 of 2008, against the third respondent and secure him within a stipulated time limit.

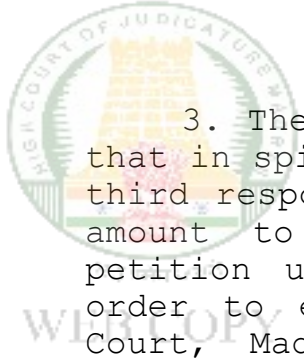
For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor
for R.1 & R.2

ORDER

This petition has been filed for a direction to the respondents police to execute the Non-Bailable Warrant issued by the Family Court, Madurai, in Cr.M.P.No.227 of 2014, dated 02.02.2015.

2. The learned Counsel for the petitioner would submit that the petitioner is the wife of the third respondent herein and she filed a petition seeking for maintenance in M.C.No.73 of 2008, as against the third respondent. The Family Court, Madurai, by an order dated 15.07.2014 was pleased to allow the petition and directed the third respondent to pay a monthly maintenance of a sum of Rs.3,000/- to the petitioner, from January 2010 onwards. The learned Counsel would further submit that this order has become final, since the revision petition filed by the third respondent was dismissed by this Court by an order dated 19.01.2015.



3. The learned Counsel for the petitioner would further submit that in spite of the dismissal of the revision petition filed by the third respondent, the third respondent did not pay any maintenance amount to the petitioner. The petitioner, therefore, filed a petition under Section 128 Cr.P.C. in Cr.M.P.No.227 of 2014, in order to execute the order of maintenance passed by the Family Court, Madurai. The Family Court ordered notice to the third respondent herein. The third respondent did not appear before the Court and hence, a Non-Bailable Warrant was issued against the third respondent, by an order dated 02.02.2015. From then on, the Non-Bailable Warrant is pending and the second respondent has not executed the same. The learned Counsel for the petitioner would further submit that the third respondent is very much present in the address given in the petition and for reasons best known to the second respondent, the Non-Bailable Warrant has not been executed.

4. Considering the facts and circumstances of the case, there shall be a direction to the second respondent to execute the Non-Bailable Warrant issued by the Family Court, Madurai, in Cr.M.P.No.227 of 2014 in M.C.No.73 of 2008 against the third respondent, by securing him and producing him before the Family Court, Madurai, within a period of three weeks from the date of receipt of a copy of this order.

5. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.

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

+1cc to M/S.A.Prasanna Rajadurai, Advocate SR.No. 82231

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