



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.17135 of 2018

M.Rajammal @ Manju

... Petitioner

-vs-

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Kanyakumari District, Kanyakumari.

2.Mr.Balaji

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent No.1 to issue a Look Out Circular against respondent No.2 against whom the Non-Bailable Warrant is pending in Crl.M.P.No.95 of 2018 in M.C.No.1 of 2017 on the basis of the petitioner's representation dated 08.09.2018 within the time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For 1st Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed for a direction to the first respondent to issue a Look Out Circular against the second respondent.

2.The learned counsel for the petitioner would submit that the petitioner is the wife of the second respondent and she filed a maintenance petition in M.C.No.1 of 2017 before the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District, seeking for maintenance against the second respondent. The learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District by an order dated 28.11.2017 fixed the maintenance amount at Rs.10,000/- (Rupees Ten Thousand Only) for the petitioner and the minor child and in all fixed the total amount of Rs.20,000/- (Rupees Twenty Thousand Only)



per month and directed the second respondent to pay the maintenance amount from the date of filing of the petition.

3. The learned counsel for the petitioner would further submit that the second respondent did not comply with this order and therefore, the petitioner filed a petition in CrI.M.P.No.266 of 2018, seeking to execute the order of maintenance passed by the court below. The court below was not able to serve the notice on the second respondent and therefore Non Bailable Warrant was issued by the court below on 24.04.2018 against the second respondent. However, till date the Non Bailable Warrant is not able to be executed by the Police, since the second respondent has left India and he is staying in Dubai.

4. The learned counsel for the petitioner further would submit that the petitioner gave a representation dated 08.09.2018 to the first respondent requesting the first respondent to issue a Look Out Circular against the second respondent, in view of the Non Bailable Warrant pending before the court below. The said representation was also received by the first respondent. However no action has been taken by the first respondent till date on the representation made by the petitioner.

5. The learned Government Advocate (Criminal Side) would submit that the first respondent will act on the representation made by the petitioner in accordance with law.

6. In view of the same, there shall be a direction to the first respondent to consider the representation dated 08.09.2018 made by the petitioner and take appropriate action to issue a Look Out Circular against the second respondent. In the event of the second respondent being secured pursuant to the issuance of the Look Out Circular, the respondent police shall take action to execute the Non Bailable Warrant and produce the second respondent before the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District.

7. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.



2.The Superintendent of Police,
O/o.The Superintendent of Police,
Kanyakumari District, Kanyakumari.

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

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No.87318

CRL.O.P. (MD) No.17135 of 2018
26.09.2018

DAS
ES/SKN/RSK/SAR 4/17.10.2018/3P/5C