

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

CrI.OP.No.1083 of 2019

Kumari ... Petitioner

Vs.

1.The State rep by,
Inspector of Police,
Keezhpenathur Police Station,
Thiruvannamalai District.

2.Kuppusamy ... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.PC to direct the 1st respondent to execute the Distress Warrant issued in D.V.C.No.320 of 2017 in C.C.No.1368 of 2012 pending on the file of the learned Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mr.R.Thirumoorthy

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the 1st respondent to execute the Distress warrant issued against the 2nd respondent by the learned Additional Mahila Court, Egmore, Chennai in D.V.C.No.320 of 2017.

2.The petitioner is the wife and she has filed a petition under the Domestic Violence Act against the 2nd respondent seeking for various reliefs. A final order was passed on 08.01.2014, directing the 2nd respondent to pay maintenance of a sum of Rs.7,500/- per month and also to pay a compensation of Rs.10 lakhs within a period of three months. This order was not complied with by the 2nd respondent.

3.The petitioner left with no other option, filed an affidavit on 26.11.2018 before the Court below to pass suitable orders in order to execute the order passed against 2nd respondent. The Court below thereafter issued the non-bailable

warrant against the 2nd respondent on 28.08.2018. Thereafter, the case is pending without the warrant being executed by the 1st respondent. Therefore, the present petition has been filed before this Court seeking for appropriate direction.

3.The learned counsel for the petitioner would submit that the 2nd respondent has successfully dragged on the proceedings for more than four years after the final orders were passed in the Domestic Violence Petition and till date, the 2nd respondent has not paid any maintenance amount to the petitioner. The learned counsel for the petitioner would further submit that the case is now posted on 28.01.2019, before the Court below and the 1st respondent police must be directed to execute the warrant against the 2nd respondent in order to ensure that the 2nd respondent is produced before the Court below.

4.In the facts and circumstances of the case, the 1st respondent is directed to immediately execute the non-bailable warrant issued against the 2nd respondent by the Additional Mahila Court, Egmore and produce the 2nd respondent before the Court below in order to enable the Court below to proceed further against the 2nd respondent in accordance with law.

5.This Criminal Original Petition is disposed of, with the above direction.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rka/vv2

To

1.The Judge,
Additional Mahila Court,
Egmore, Chennai-8.

2.The Inspector of Police,
Keezhpenathur Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No. 3621

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GN(21/01/2019)