

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4631 of 2019

R.Geetha

... Petitioner

Vs.

1.The District Superintendent of Police,
Erode District,
Erode.

2.The Inspector of Police,
South Police Station,
Soorampatty,
Erode-638 009.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to execute the Bailable Warrant issued against the petitioner's husband in CMP.No.6/2018 in M.C.No.48 of 2017 by the District Family Court, Erode, dated 05.09.2018 based on her representation/complaint given by the petitioner dated 23.01.2019.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking to direct the 2nd respondent to execute the Bailable Warrant issued against the

petitioner's husband in CMP.No.6/2018 in M.C.No.48 of 2017 by the District Family Court, Erode, dated 05.09.2018.

2.The petitioner got married to one Rajalingam, on 28.11.2014 and having a child. Due to difference of opinion between them and unable to tolerate the harassment by her husband, the petitioner and her child were living separately in their parental house. Since the petitioner's husband did not come forward to maintain them, the petitioner filed a maintenance case in M.C.No.48 of 2017 before the Family Court, Erode. Though the petitioner's husband not appeared before the Court, the Family Court ordered maintenance of Rs.5,000/- each for the petitioner and her child. Thereafter, the petitioner filed a collection petition in C.M.P.No.6 of 2018 before the Family Court, Erode, on that day also the petitioner's husband did not appear even though summons were served. Hence, a non-bailable warrant has been issued by the District Judge, Family Court, Erode, on 05.09.2018. But till date, the respondents have not executed the warrant. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.Heard both sides.

4.It is seen that the Family Court, Erode has issued a bailable warrant on 05.09.2018 as against the husband of the petitioner in a case in

M.C.No.48 of 2017. Hence, there shall be a direction to the 2nd respondent to execute the warrant, if it is pending within a period of four weeks from the date of receipt of copy of this order.

5. With the above directions, the Criminal Original Petition is disposed of.

21.02.2019

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

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To

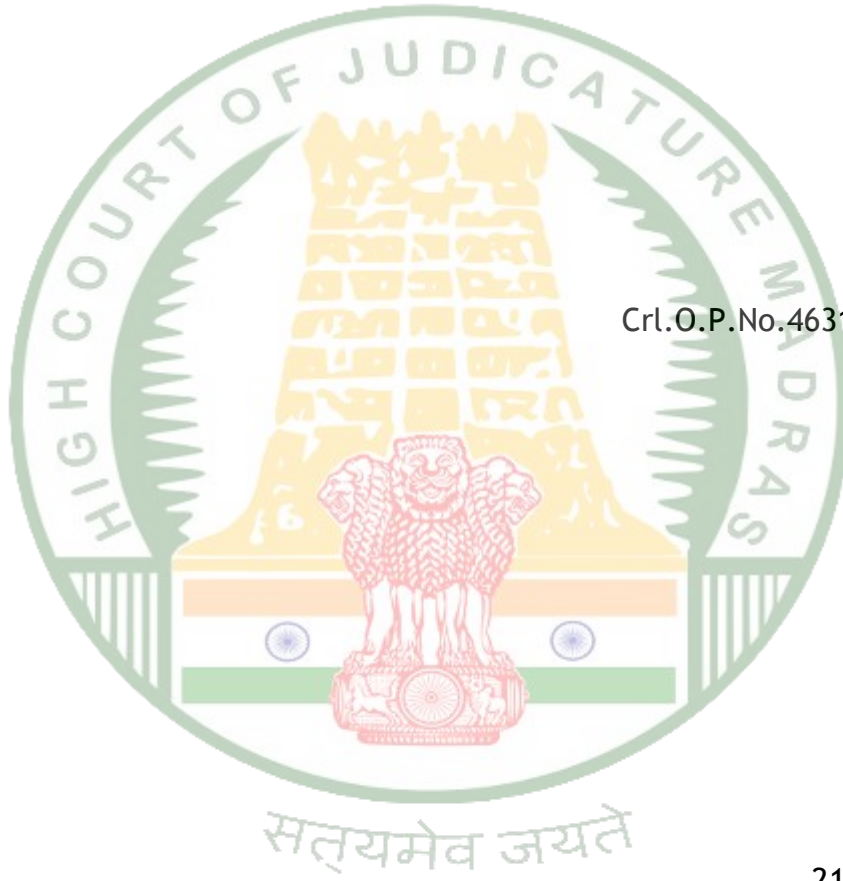
1. The District Superintendent of Police,
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Erode.

2. The Inspector of Police,
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3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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