

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2020

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6400 of 2020

Brindha

... Petitioner

-Vs-

1.P.Veeraragavan

2.R.Purushothaman

3. The Inspector of Police,  
All women Police Station,  
Kanchipuram, Kanchipuram District,  
Pin code-603 001.

4. The Superintendent of Police,  
Kanchipuram District @ Kanchipuram,  
Pin code-603 306.

5. The Secretary,  
The Ministry of External Affairs,  
Government of India,  
23D, Janpath Road, Rajpath Area,  
Central Secretariat, New Delhi, Delhi 110011. ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondents 2 to 5 to execute the Non Bailable Warrant issued against the 1st respondent on 02.07.2016 by the learned Judicial Magistrate-II, Kanchipuram.

For Petitioner :Mr.P.Ebenezer Paul  
For Respondents :Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor  
for R3 to R5

ORDER

This Criminal Original petition has been filed to direct the respondents 2 to 5 to execute the Non Bailable Warrant issued against the first respondent on 02.07.2016 by the learned Judicial Magistrate-II, Kanchipuram forthwith.

2. The case of the prosecution is that 12.03.2012, the petitioner married the first respondent and that due to matrimonial dispute, the petitioner and the first respondent are living separately. Thereafter, the petitioner gave a complaint before the fourth respondent against the first respondent, based on which, the third respondent registered a Criminal complaint in Crime No.15 of 2014 under Section 294(b), 498-A, 420, 506(1) of IPC 1860 and Section 4 of Dowry Prohibition Act 1961. After completing the enquiry, the third respondent filed a charge sheet on 15.07.2017 and the same was taken on file by the learned Judicial Magistrate, Kanchipuram No.II.

3.The learned counsel appearing for the petitioner would submit that on 02.07.2019, the first respondent was not able to appear before the magistrate in respect of the case in C.C.No.283 of 2015 and hence, the learned Judicial Magistrate issued a direction to the respondents 2 to 5 to execute the Non Bailable Warrant issued against the first respondent. Till date, the Non Bailable Warrant has not been executed by the respondents 2 to 5 against the first respondent.

4.Heard Mr.P.Ebenezer Paul, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 3 to 5.

5.Considering the undertaking given by the learned counsel for the respondents, the respondents 2 to 5 are directed to execute the Non Bailable Warrant issued against the first respondent within a period of four weeks from the date of receipt of copy of this order.

6.With the above direction, this Criminal Original Petition is disposed of.

s/d-  
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

tta

To

1.The Judicial Magistrate II  
Kanchipuram

2.Do Thro The Chief Judicial Magistrate  
Kanchipuram

3.The Inspector of Police,  
All women Police Station,  
Kanchipuram, Kanchipuram District,  
Pin code-603 001.

4.The Superintendent of Police,  
Kanchipuram District @ Kanchipuram,  
Pin code-603 306.

5.The Secretary,  
The Ministry of External Affairs,  
Government of India,  
23D, Janpath Road, Rajpath Area,  
Central Secretariat, New Delhi, Delhi 110011.

6.The Public Prosecutor,  
High Court, Madras.

+1 CC to Mr.P.Ebenezer Paul, Advocate sr 23906.

Cr1.O.P.No.6400 of 2020

LN(CO)  
SP(17/07/2020)

सत्यमेव जयते

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