

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5827 of 2020

Patricia

.. Petitioner

Vs

1.The Commissioner of Police,
Greater Corporation of Chennai,
EVK Sampath Salai,
Vepery, Chennai.

2.The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur,
Chennai.

3.A.Anthony Xavier

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to execute the non-bailable warrant issued by the V Additional Family Court, Chennai in M.P.No.567 of 2016 in M.C.No.326 of 2009 for the third respondent/A.Anthony Xavier resident of Plot No.1069, 12 th Cross Street, Poompohar Nagar, Kolathur Post, Chennai-600 099 and proceed in accordance with law.

For Petitioner : Mr.K.Kannan

For Respondents: M.Mohamed Riyaz

1 & 2

Additional Public Prosecutor

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O R D E R

This Criminal Original petition has been filed to direct the respondents 1 and 2 to execute the non-bailable warrant issued by the V Additional Family Court, Chennai in M.P.No.567 of 2016 in M.C.No.326 of 2009 for the third respondent/A.Anthony Xavier resident of Plot No.1069, 12 th Cross Street, Poompohar Nagar, Kolathur Post, Chennai-600 099 and proceed in accordance with law.

2.The learned counsel for the petitioner submitted that the petitioner has filed a maintenance case in M.C.No.326 of 2009 on the file of the V Additional Family Court, Chennai, on

07.09.2013 the order was passed to pay a sum of Rs.5,000/- per month from 24.03.2009 i.e from the date of petition till August 2012 and thereafter at the rate of Rs.10,000/- per month. Till date the third respondent did not comply the order. Thereafter the petitioner has filed a petition in M.P.No.567 of 2016 under Section 125(3) of Cr.P.C to recover the said arrears of maintenance. Even on receipt of summons the third respondent did not appear before the trial Court. Therefore, this Court may issue a direction to the third respondent to execute the Non-Bailable Warrant against the third respondent.

3.Heard both sides and perused the materials available on record.

4.Considering the facts and circumstances of this case, a direction is issued to the respondents 1 and 2 to execute the Non-Bailable Warrant issued by the V Additional Family Court, Chennai against the third respondent within a period of four weeks from the date of receipt of copy of order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tta

To

1. The V Additional Family Court,
Chennai

2.The Commissioner of Police,
Greater Corporation of Chennai,
EVK Sampath Salai,
Vepery, Chennai.

3.The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Kannan, Advocate, S.R.No. 22381

CrI.O.P.No.5827 of 2020