

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.No.30295 of 2019

1. Ayesha Begam
2. H.Syed Safeeq Ahamed .. Petitioners

-VS-

1. The Inspector of Police,
W-23, All Women Police Station,
Royapettah, Chennai-600 004.
2. The Commissioner of Police,
Commissioner Office,
Vepery, Chennai-600 008.
3. S.Syed Mohammed Haneef
(R3 is impleaded as per order
in Crl.MP.No.16923 of 2019
in Crl.OP.No.30295 of 2019
dated 20.11.2029) .. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to execute the Non Bailable Warrant dated 01.08.2019 issued by the Additional Mahila Court, Egmore, Chennai in D.V.C.No.72 of 2017 against the Syed Mohammed Haneef.

For Petitioner : Ms.Ayesha Begam
(Party-in-Person)

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 and R2

ORDER

This petition has been filed to direct the first respondent to execute the Non-Bailable warrant issued against the petitioner's husband namely Syed Mohammed Haneef/3rd respondent.

2. The petitioner party-in-person has submitted that she filed Domestic Violence Case in D.V.C. No.72 of 2017 on the file of the Additional Mahila Court, Egmore, Chennai against her husband Syed Mohammed Haneef/3rd respondent in which an order was passed directing him to pay a sum of Rs.6,000/- Per month towards maintenance to her and Rs.4000/- per month towards maintenance to his son. She further submitted that even though, the said order was passed on 19.06.2017, her husband has not paid any amount. Hence, she filed execution petition, in which, non bailable warrant was ordered on 01.08.2019, but, so far, the first respondent has not executed the said warrant. Hence, she prayed to direct the first respondent to execute the non bailable warrant at early.

3. Per contra, the learned Additional Public Prosecutor has submitted that the said Syed Mohammed Haneef/3rd respondent is out of station and hence, they are not able to execute the said warrant.

4. Considering the fact that the petitioner and her minor son have obtained an order for maintenance against her husband even on 19.06.2017 and for the past three years, they are not able to get any money from the said Syed Mohammed Haneef/3rd respondent, the first respondent is directed to constitute a special team and executing the said warrant within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
W-23, All Women Police Station, Royapettah, Chennai-600 004.
 2. The Commissioner of Police,
Commissioner Office, Vepery, Chennai-600 008.
 3. The Public Prosecutor, High Court, Madras.
- +1 cc to M/s.K.Ayesha Begam, Advocate Sr.No. 11502

AKM/14.02.2020/2P-5C /

CRL.O.P.No.30295 of 2019