

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.10690 of 2018

P.Uma Devi

.. Petitioner

Vs.

State rep. by its

1. The Commissioner of Police,
Chennai - 7.
2. The Deputy Commissioner of Police,
Washermenpet, Chennai - 81.
3. The Assistant Commissioner of Police,
Royapuram - 13.
4. The Inspector of Police,
Fishing Harbour, N4 Police Station,
Chennai - 81.

.. Respondents

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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 4th respondent to execute non bailable warrant issued against the Premnath in M.P.No.241 of 2017 in M.C.No.509 of 2011 pending on the file of III Additional Family Court, Chennai - 104.

For Petitioner : Mr.D.Nandagopal

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the 4th respondent to execute non bailable warrant issued against the Premnath in M.P.No.241 of 2017 in M.C.No.509 of 2011, pending on the file of III Additional Family Court, Chennai - 104.

2. The case of the petitioner is that the petitioner filed the Maintenance Petition in M.C.No.509 of 2011, on the file of the III Additional Family Court, Chennai against her husband Premnath and the Trial Court ordered for payment of maintenance for a sum of Rs.3,000/- per month and the total arrears of pending to the tune of Rs.1,10,000/- from

2011 onwards. Since the husband of the petitioner has not paid the arrear amount, she had filed the petition for arrest in M.P.No.241 of 2017 in M.C.No.509 of 2011, and the same was ordered and a Non bailable warrant was issued on 05.03.2018 and the case was adjourned for implementation of the warrant on 23.04.2018. Immediately after the order of the Trial Court, the petitioner has submitted the warrant to the 4th respondent and the same was acknowledged by them on 06.03.2018. For execution of the said warrant, this petition has been filed.

3. The learned counsel appearing for the petitioner submitted that immediately after the order of the Trial Court, the petitioner has served the warrant to the 2nd respondent and the same was acknowledged by them. However, till date the said NBW was not given effect to and prays for execution of the warrant.

4. The learned Government Advocate (Crl.Side) submitted that the NBW issued by the Trial Court will be executed within a period of four weeks.

5. Considering the facts and circumstances that though the NBW was issued as early as on 05.03.2018, till date the same has not been executed, this Court is inclined to issue direction to the 4th respondent to execute the warrant.

6. This Criminal Original Petition is disposed of with a direction to the 4th respondent to execute the Non Bailable Warrant dated 05.03.2018 executed in M.P.No.241 of 2017 in M.C.No.509 of 2011, pending on the file of III Additional Family Court, Chennai - 104, within a period of four weeks from the date of receipt of a copy of this order.

30.07.2021

Speaking/Non Speaking order

Index : Yes/No

Internet: Yes/No

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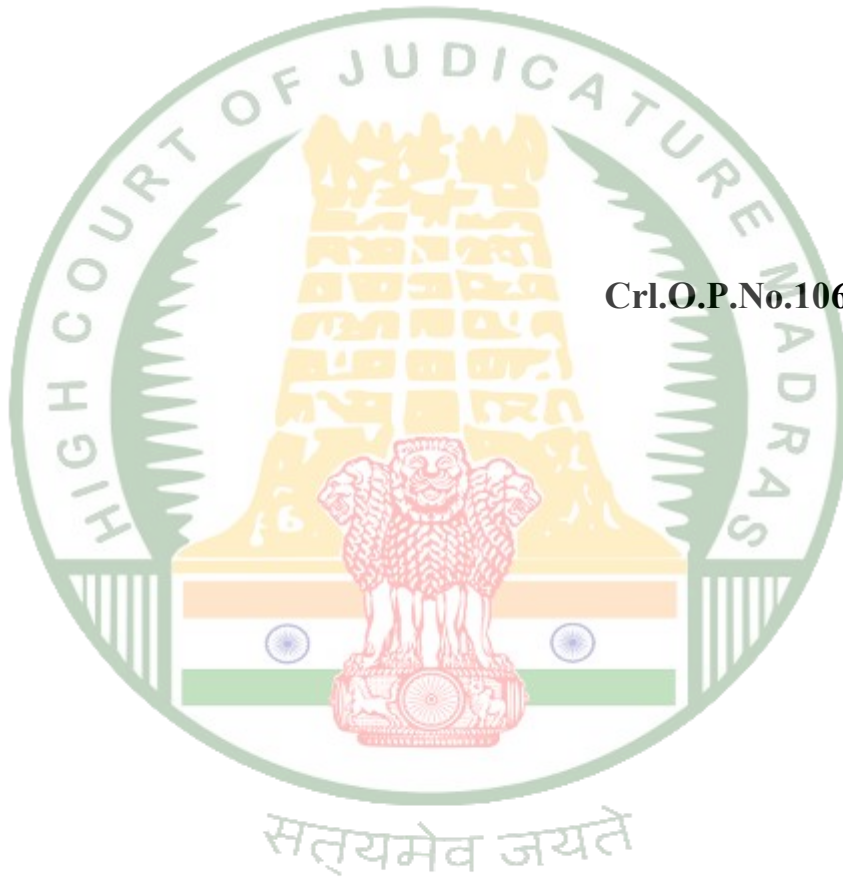
1. The Commissioner of Police,
Chennai - 7.
2. The Deputy Commissioner of Police,
Washermenpet, Chennai - 81.
3. The Assistant Commissioner of Police,
Royapuram - 13.
4. The Inspector of Police,
Fishing Harbour, N4 Police Station,
Chennai - 81.
5. The Public Prosecutor
High Court, Madras.



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M.DHANDAPANI,J.

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