



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM:

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.10351 of 2021

1. Pushpalatha

2. Minor. Smithin Karthikeyan

Minor rep.by his natural guardian/next friend, Mother/
1st petitioner, Pushpalatha

...Petitioners

Versus

1. Suresh Kumar

2. The State

Rep.by The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai - 600 100.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to execute the Warrant of Arrest issued by the Family Court at Salem in Crl.MP.No.233 of 2019 in M.C.No.70 of 2016, dated 12.12.2019, within the time frame as stipulated by this Court.

For Petitioners : Mr.R.Jayaprakash

For Respondents : Mr.Damodharan, (for R2)
Government Advocate (Crl.side)

ORDER

The petitioners have filed this petition to direct the second respondent to execute the Warrant of Arrest issued by the Family Court at Salem in Crl.MP.No.233 of 2019 in M.C.No.70 of 2016, dated 12.12.2019, within the time frame as stipulated by this Court.

2.The gist of the case is that the first petitioner is the estranged wife and second petitioner is the son of the first respondent. The petitioners have filed M.C.No.70 of 2016 on the file of the Family Court at Salem. The Family Court had directed the first respondent to pay a sum of Rs.20,000/- per month to the first petitioner and Rs.10,000/- per month to the second respondent towards monthly maintenance from the date of petition on or before 5th of every month. The first respondent is



evading the service of summons and therefore, for recovering of maintenance amount, which comes to a sum of Rs.10,20,000/-, the petitioners have filed Crl.MP.No.233 of 2019 in M.C.No.70 of 2016. The Family Court also issued warrant against the first respondent for his appearance in the month of 30th January, 2020. Thereafter, periodically the case was adjourned by the Lower Court and finally on 16.12.2020, the case was listed and as on that date, the warrant is to be executed and the case is pending.

3.The learned Government Advocate (Crl.side) appearing for the second respondent police would submit that as and when the warrant is produced to the second respondent, the second respondent would immediately act on the warrant and secure the first respondent.

4.In view of the same, this Court directs the petitioners to produce the warrant issued by the Family Court, Salem to the second respondent, who shall thereafter, execute the same and secure the first respondent and produce the first respondent before the Family Court, Salem, as directed in the warrant.

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

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

klt

To

1. The Family Court, Salem.

2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai - 600 100.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Jayaprakash, Advocate, Sr 27726.

CRL.O.P.No.10351 of 2021

JPL(CO)
SP(22/07/2021)