



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20626 of 2021

R.Radhika

... Petitioner

Versus

1.The State Rep.by
The Inspector of Police
Kallal Police Station
Karaikudi Taluk
Sivagangai District.

2.S.Kalimuthu @ Ranjith Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to execute the warrant dated 09.02.2021 in Dis.No.43/2021 passed by the V Additional Principal Family Court, Chennai in M.P.No.458 of 2019 in M.C.No.511 of 2017 as per the reminder letter dated 21.08.2021.

For Petitioner : Mr.S.Lingesh

For Respondents: Mr. E.Raj Thilak, for R1
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the first respondent to execute the warrant dated 09.02.2021 in Dis.No.43/2021 passed by the V Additional Principal Family Court, Chennai in M.P.No.458 of 2019 in M.C.No.511 of 2017 as per the reminder letter dated 21.08.2021.

2. The petitioner, who is the estranged wife of the second respondent, has filed a maintenance case in M.C.No.511 of 2017 before the V Additional Principal Family Court, Chennai, and the Lower Court by an order dated 28.11.2018 directed the second respondent to pay maintenance. However, the second respondent



failed to make the payment. Hence, the petitioner filed M.P.No.458 of 2019 seeking payment of arrears, failing which, prayed to take coercive action. The Family Court by the order dated 05.08.2019 issued warrant against the second respondent. Thereafter, it has been periodically adjourned for execution of warrant. According to the petitioner, the first respondent is aware that the second respondent is residing within the jurisdiction, but he has not taken any steps. This has been informed to the Family Court and the Family Court sent reminder dated 21.08.2021 to the respondent Police to execute the warrant and the case has been adjourned to 09.11.2021. Thereafter, it was posted on 25.11.2021.

3. The learned Additional Public Prosecutor submitted that as and when the warrants were received by the respondent Police, they immediately, take steps to execute the warrant. In this case, the respondent is unable to secure and take steps. He further submitted that the respondent Police will take necessary steps to execute the warrant.

4. It is seen that the warrant which was issued on 05.08.2019, has not yet been executed. In view of the same, the V Additional Principal Family Court, Chennai, shall address the Superintendent of Police, Sivagangai District to ensure that the warrant to be executed without any further delay.

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

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dna
To

1.The V Additional Principal Judge,
Family Court,
Chennai.

2.The Superintendent of Police,
Sivagangai.



3.The Inspector of Police
Kallal Police Station,
Karaikudi Taluk
Sivagangai District.

WEB COPY

4.The Public Prosecutor
High Court, Madras.

+1cc to M/s.S.Lingesh, Advocate Sr.60620

Crl.O.P.No.20626 of 2021

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srg 20/12/2021