



Crl.R.C.No.883 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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K.Senthilkumar

... Petitioner

Vs.

1. Kavitha

2. The Superintendent of Police,
Koraput,
Koraput District,
Odisha-764 020.

3. The Inspector of Police,
Koraput Circle,
Koraput District,
Odisha-764 020.

... Respondents

PRAYER: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C to call for the records in M.P.No.1249 of 2018 in DVC.No.5 of 2017 dated 23.05.2018 on the file of the Metropolitan Magistrate Additional Mahila Court I/C Egmore at Allikulam, Complex, Chennai-3 to set aside the same.



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For Petitioner : Mr.A.Ilaya perumal
For R1 : M/s. E.Santhanalakshmi
for Mr.D.Stephen
For R2 and R3 : Mr. A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Revision case has been filed challenging the order passed in M.P.No.1249 of 2018 in DVC.No.5 of 2017 dated 23.05.2018 on the file of the Metropolitan Magistrate Additional Mahila Court I/C Egmore at Allikulam Complex, Chennai-3, thereby issued Distress warrant against the petitioner herein through the Superintendent of Police, Koraput, Koraput District, Odisha.

2. Heard both sides.

3. It is seen that the petitioner is the husband of the first respondent herein. Due to their wedlock, they gave birth to a female child. Thereafter, due to misunderstanding, they got separated and the first respondent was driven out from the matrimonial home and it is also alleged that the petitioner also committed cruelty on her. Therefore, the first respondent was constrained to file a complaint under the Domestic Violence Act in D.V.C.No.05 of 2017.



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4. The Trial Court allowed the complaint and ordered monthly maintenance of Rs.20,000/- payable by the petitioner to the first respondent and a sum of Rs.15,000/- as monthly maintenance to the minor child viz., Keerthiga. The Trial Court also ordered a sum of Rs.5,00,000/- as compensation payable by the petitioner, within a period of two months. However, the petitioner did not comply with the order and also did not prefer any appeal as against the said order. Therefore, the first respondent was constrained to file a petition to execute the said order under Section 20(4) of the Domestic Violence Act, 2005, before the Court below in M.P.No.1249 of 2018. It was allowed by the Trial Court, which issued Distress Warrant as against the petitioner. It is under challenge in this revision petition.

5. While ordering notice, this Court granted interim stay of execution of the Distress Warrant as against the petitioner on condition that the petitioner shall deposit a sum of Rs.2,00,000/- toward compensation, within a period of four weeks and also continue to pay a sum of Rs.25,000/- as monthly maintenance, on or before 5th day of every



6. Admittedly, though the petitioner failed to comply with any of the conditions imposed by this Court, he is enjoying the interim order passed by this Court. Therefore, this Court by an order dated 30.11.2018, vacated the interim order granted. Even till today, the petitioner did not comply the conditions imposed by this Court.

7. That apart, a perusal of records revealed that the petitioner did not prefer any appeal as against the order passed by the Trial Court in D.V.C.No.05 of 2017, dated 01.07.2017 and as such it becomes final. However, the petitioner failed to comply with the said order. Therefore, the Trial Court rightly issued Distress Warrant as against the petitioner through the Superintendent of Police, Koraput, Koraput District, Odisha. Hence, this Court finds no infirmity or illegality in the order passed by the Court below. The respondent is at liberty to take immediate steps for execution of Distress Warrant issued as against the petitioner.



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8. Accordingly, this Criminal Revision case stands dismissed.

20.10.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mn

To

1. The Metropolitan Magistrate Additional Mahila Court I/C Egmore at Allikulam Complex, Chennai-3.

2. The Superintendent of Police,
Koraput,
Koraput District,
Odisha-764 020.

3. The Inspector of Police,
Koraput Circle,
Koraput District,
Odisha-764 020.

4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J

mn

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