



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Cr1.O.P.No.10094 of 2022

M.Dhanalakshmi

...Petitioner

Vs

1.The State by Inspector of Police,
J-13, Tharamani Police Station,
Nehru Street, Kanagam,
Tharamani, Chennai - 600 113.

2.K.Murugadoss

...Respondents

Prayer : Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 1st respondent to execute the Non Bailable warrant issued by the VII Additional Family Court Judge issued in M.P.No.21 of 2019 in M.C.No.255 of 2017 dated 31/10/2019 against the 2nd respondent.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to execute the Non Bailable warrant issued by the VII Additional Family Court Judge in M.P.No.21 of 2019 in M.C.No.255 of 2017 dated 31.10.2019 against the 2nd respondent.

2. The petitioner is the wife of second respondent/husband herein. She had filed an application for maintenance for herself and her child. Since the husband/second respondent herein has not complied with the order dated 21.05.2018 passed by the VII Additional Family Court, the lower Court had issued NBW on 31.10.2019 and communicated the same to the first respondent but the first respondent has not taken any steps to execute the same for more than two years. Hence she filed the present petition.

3. Heard both sides.



4. Though the lower Court issued NBW on 31.10.2019 and communicated the same to the first respondent in Dis.No.365 of 2019 dated 31.10.2019 but the first respondent has not executed the NBW. A reminder was also sent from the lower Court on 07.03.2020 and 24.03.2021 but warrant was not executed till date. Hence this Court directs the lower Court to issue fresh NBW to the second respondent within a period of one week from the date of receipt of a copy of this order. After issuance of such NBW it is the duty of the first respondent to execute the warrant expeditiously and report before the Trial Court.

5. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

dpq

To

- 1.The Judge,
VII Additional Family Court,
Chennai.
- 2.The Inspector of Police,
J-13, Tharamani Police Station,
Nehru Street, Kanagam,
Tharamani, Chennai - 600 113.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.C.Karl Max, Advocate Sr.No.32289

Cr1.O.P.No.10094 of 2022

SMI (CO)
RVM(17/06/2022)