



Crl.O.P.(MD) No.18323 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P (MD) No.18323 of 2022

1.D.Winifret Jeba Sarojini

2.Minor Jerom Deva Asir
(Represented by the
first Petitioner/mother)

...Petitioners

VS

1.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Tuticorin District.

2.Issac Manohar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first Respondents to execute theailable warrant issued against the second Respondent as per the order dated 20.09.2019 passed by the Court of the Family Judge, Tirunelveli District made in Cr.M.P.No.365 of 2014 in M.C.No.55 of 2010 by considering the representation of the Petitioner dated 29.06.2021 and 16.09.2022.



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For Petitioner : Mr.J.Priscilla Pandian
For R1 : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the first Respondent to execute theailable warrant issued against the second Respondent in Cr.M.P.No.365 of 2014 in M.C.No.55 of 2010 by the learned Family Judge, Tirunelveli District dated 20.09.2019.

2. The learned Counsel for the Petitioners would submit that the Petitioners had filed maintenance case, in which an order was passed favouring the Petitioners. Subsequently, they had filed a petition for collection of the arrears amount from the second Respondent. At that time, the second Respondent did not appear before the Court concerned. Therefore, NBW was issued against him. In spite of the pendency of NBW, the first Respondent is unable to execute the same. Therefore, the Petitioners seek orders from this Court by invoking powers under Section 482 Cr.P.C.



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3. The learned Government Advocate (Crl.side) for the first Respondent would submit that the first Respondent is unable to trace out the second Respondent as it is found that he had vacated the premises. Therefore, the certificate from the Village Administrative Officer concerned was obtained by the first Respondent. The first Respondent is ready to comply with the order of this Court, if the second Respondent is found in the address mentioned by the Petitioners.

4. Recording the submission of the learned Government Advocate (Crl.side), the Petitioners are directed to give correct details of the second Respondent. Also, the learned Judge, Family Court, Tirunelveli, is directed to co-ordinate with the learned Principal District Judge, Tirunelveli, so that, the matters pending warrant can be brought to the notice of the Superintendent of Police, Tirunelveli Rural as well as the Commissioner of Police, Tirunelveli City regarding non-execution of the warrants pending before the Courts. The learned Principal District Judge, Tirunelveli is also directed to call for a meeting of the Commissioner of Police, Tirunelveli City and the Superintendent of Police, Tirunelveli Rural, regarding pending



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NBWs., so that, the NBWs can be executed by forming a Special Unit by the Commissioner of Police, Tirunelveli City and the Superintendent of Police, Tirunelveli Rural, so that the pending cases can be cracked down.

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

Internet:Yes/No
Index:Yes/No
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26.10.2022

To

- 1.The Principal District Judge,
Tirunelveli.
- 2.The Commissioner of Police,
Tirunelveli City.
- 3.The Superintendent of Police,
Tirunelveli City.
- 4.The Judge,
Family Court,
Tirunelveli.
- 5.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Tuticorin District.

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6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

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