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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.15917 of 2023

The Manager
Zenith Technologies
Mywebbee
Sona Towers
Dindigul-624 001.

... JD(s)/Opposite Party(s)

-Vs-

Mrs.Thangapriya
W/o.Ganesh

...DH(s)/Complainant

Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in E.A.No.12 of 2022 in C.C.No.46 of 2019 whereby Non-Bailable Warrant was issued against the Petitioner and to Set Aside the Docket order dated 30th May 2023 by the District Consumer Dispute Redressal Commission at Chengalpattu.

For Petitioner : Mr.G.R.Hari

**ORDER**

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This Criminal Original Petition has been filed challenging the order passed by the Court below directing the issuance of non-bailable warrant against the petitioner.

2.The respondent filed a complaint before the District Consumer Disputes Redressal Forum at Chengalpattu against the petitioner. This complaint was ordered by setting the petitioner ex-parte and the petitioner was directed to pay a sum of Rs.65,000/- with interest at the rate of 6% p.a.

3.Pursuant to the above order, the respondent filed an execution petition before the Court below u/s.71 and 72 of the Consumer Protection Act, 2019, seeking for the arrest of the petitioner as per Section 72 of the Act.

4. The District Consumer Disputes Redressal Forum issued notice to the petitioner and the petitioner entered appearance through a counsel on 09.03.2023 and a counter was also filed in the execution application [E.A.No.12/2022]. The grievance of the petitioner is that the Court



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below without passing any final orders in the execution application, proceeded to issue non-bailable warrant against the petitioner and aggrieved by the same, the present petition has been filed before this Court under Section 482 of Cr.PC.

5.It is brought to the notice of this Court that the petitioner has filed an appeal before the State Consumer Disputes Redressal Forum and the petitioner has also sought for an interim stay. In the meantime, the petitioner has also filed a counter in the execution application filed by the petitioner in E.A.No.12 of 2022. The petitioner is represented through a counsel before the District Consumer Disputes Redressal Forum.

6.In the considered view of this Court, the District Consumer Disputes Redressal Forum has to proceed further to pass final orders in the execution application in E.A.No.12 of 2022, if there is non-compliance of the order passed in the complaint and if the District Consumer Disputes Redressal Forum is not satisfied with the counter filed by the petitioner. Such an order can be passed under Section 71 of



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the Act. Pursuant to that order, if the petitioner is not able to be secured or the penalty that is imposed is not able to be recovered, it is always left open to the District Consumer Disputes Redressal Forum to exercise powers of a Judicial Magistrate of first class. At that point of time, the presence of the petitioner can be secured by issuing non-bailable warrant. Whereas in the present case, no final orders have been passed under Section 71 and in the meantime, the District Consumer Disputes Redressal Forum has issued a non-bailable warrant.

7. In the light of the above discussion, there shall be a direction to the District Consumer Disputes Redressal Forum to recall the Non-Bailable Warrant. The petitioner shall be present before the District Consumer Disputes Redressal Forum during the next date of hearing. The District Consumer Disputes Redressal Forum shall deal with E.A.No.12 of 2022 and pass final orders and proceed further in accordance with Section 71 of the Act.



WEB COPY 8.This criminal original petition is disposed of with the above directions.

17.07.2023

KP

Index : Yes/No

Internet : Yes/No

To

The District Consumer Dispute
Redressal Commission
Chengalpattu.



6

N.ANAND VENKATESH, J.

KP

Crl.O.P.No.15917 of 2023

17.07.2023