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Crl.O.P.No.22177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22177 of 2023

Poornima Rajathi

... Petitioner

Vs.

1.The State by
The Deputy Superintendent of Police,
O/o.The DSP, Auroville Police Station,
Thiruchitrambalam, Villupuram District.

2.The Station House Officer,
Kottakuppam Police Station,
MG Road, Kottakuppam,
Villupuram District.

3.Saravanan
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent police to execute the Non Bailable Warrant issued against the accused in S.T.C.No.2088 of 2021 on the file of the learned Judicial Magistrate No.IV, Puducherry on 26.09.2022.

For Petitioner : Mr.K.Balaji

For R1 & R2 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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Crl.O.P..No.22177 of 2025

ORDER

The petitioner herein is a complainant of a DVAC case pending before the Judicial Magistrate No.IV, Puducherry. Her allegation is that her husband, the 3rd respondent is evading service and also Non Bailable Warrant issued against him.

2. The specific case of the petitioner is that the said Saravanan is residing at No.19, Mariamman Koil Street, Periyamudaliar Chavady, Kottakuppan, Villupuram, but the 2nd respondent police has not evinced any interest to execute the warrant.

3. This Court directed the learned Government Advocate (Crl.Side) to collect the status report about the pendency of the NBW. Today, certificate from the VAO produced by the learned Government Advocate (Crl.Side) stating that no person by name Saravanan residing in the given address. In such case, contention of the petitioner is either false or the report of the VAO must be incorrect. In either case, the request made by the petitioner herein, if the police express his inability to execute NBW, the next procedure under the law is to declare him as a proclaimed offender and take



CrI.O.P..No.22177 of 2023

necessary action. It is open to the petitioner herein to file appropriate petition before the learned Judicial Magistrate for necessary action.

4. With the above directions, this Criminal Original Petition is dismissed.

16.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Deputy Superintendent of Police,
O/o.The DSP, Auroville Police Station,
Thiruchitrambalam, Villupuram District.

2.The Station House Officer,
Kottakuppam Police Station,
MG Road, Kottakuppam,
Villupuram District.

3.The Public Prosecutor (Puducherry),
High Court of Madras,
Chennai.



Crl.O.P.No.22177 of 2023

Dr.G.JAYACHANDRAN,J.

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