



Crl.O.P.No.9448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

Crl.O.P.No.9448 of 2024

Grace Valarmathi

.. Petitioner

Vs.

1. P.Sekaran

2.The Sub Inspector of Police,  
Gudiyatham Town Police Station,  
Gudiyatham.

.. Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure Code, seeking a direction to the 2<sup>nd</sup> Respondent to execute the warrant issued by the learned Judicial Magistrate Gudiyatham in CMP.No.5813/2009 in Disc No.1652/2023 dated 30.06.2023.

For Petitioner : M/s.D.Rajagopal

For respondent : Mr.K.M.D.Muhilan,  
Government Advocate (Crl.Side)



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### **ORDER**

This Criminal Original Petition has been filed seeking to direct the 2<sup>nd</sup> Respondent to execute the warrant issued by the learned Judicial Magistrate Gudiyatham in CMP.No.5813/2009 in Disc No.1652/2023 dated 30.06.2023.

2. It is the case of the prosecution that the 1<sup>st</sup> respondent is the husband of the petitioner. Since the petitioner was not maintained by the 1<sup>st</sup> Respondent, the petitioner filed a maintenance petition before the Judicial Magistrate, Gudiyatham in M.C.8/2002 wherein the trial court passed an order dated 21.11.2002, directing the 1<sup>st</sup> respondent to pay a sum of Rs.500/- per month towards monthly maintenance. Subsequently, the petitioner filed a petition under section 127 of Cr.P.C seeking enhancement of maintenance amount from Rs.500/- to Rs.1000/- which was allowed vide order dated 23.10.2008. Since, the 1<sup>st</sup> respondent had failed to pay the said maintenance amount to the petitioner, the petitioner filed a petition under Section 125(3) of Cr.P.C seeking to issue a warrant against the 1<sup>st</sup> Respondent wherein the trial court issued a warrant of imprisonment in



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CMP.No.5813/2009 on 30.06.2023 and the same was received by one Suresh Babu, Head Constable attached to the Gudiyatham Town Police Station on 05.09.2023. However, till date, the said warrant has not been executed by the respondent police. Hence, the present petition.

3. Learned counsel for the petitioner submitted that though the arrest warrant was issued by the trial court on 30.06.2023, till date the same has not been executed by the respondent police. Hence, the 2<sup>nd</sup> respondent herein may be directed to execute the arrest warrant within the time that may be stipulated by this Court.

4. Learned Government Advocate appearing for the 1<sup>st</sup> respondent submitted that the arrest warrant dated 30.06.2023 issued by the trial court will be executed within a period of two weeks.

5. Having regard to the aforesaid submissions made by the learned counsel appearing on either side, this Court without expressing any opinion on the merits of the case, issues a direction to the 1<sup>st</sup> respondent to execute



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the arrest warrant dated 30.06.2023 issued by the learned Judicial Magistrate, Gudiyatham within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition stands disposed of with the above direction.

**22.04.2024**

NHS

To

The Sub Inspector of Police,  
Gudiyatham Town Police Station,  
Gudiyatham.



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**M.DHANDAPANI, J.**

NHS

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