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CrI.O.P.No.18048 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.18048 of 2024

1. Shavana Jabeen.
2. Riffa Fathima.

... Petitioners

/versus/

1 The District Superintendent of Police,
O/o District Superintendent of Police,
Tirupathur.

2. The Inspector of Police,
Tirupathur Town Police Station,
Trupathur.

3. Y. Riyaz Basha

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to direct the 2nd Respondent to execute the distress warrant in Dis.No.1100/23 dated 12/06/2023 issued against the 3rd Respondent pursuant to the order made in C.M.P.No.4507 of 2022 in M.C.No.19 of 2019 order dated 21/03/2023 on the file of Additional District Munsif cum Judicial Magistrate, Ambur.

For Petitioner : Mr.V.Sairam

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side).



CrI.O.P.No.18048 of 2024

ORDER

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This Criminal Original Petition is filed for execution of the distress warrant against the 3rd respondent pursuant to the order passed by the Additional District Munsif-cum-Judicial Magistrate, Ambur, in M.C.No.19/2019.

2. The learned Government Advocate (CrI.Side) for the respondents after taking notice has received instructions from the 2nd respondent to the effect that the attempt to serve the distress warrant on the 3rd respondent was ended in futile since the door is locked and the person's whereabouts are not known. However, 2nd respondent has collected certain information regarding immovable property of the 3rd respondent which could be attached by an order of the Court and brought for sale.

3. Recording the information furnished by the Learned Govt. Advocate (CrI.Side), this Criminal Original Petition is disposed of with a liberty to the petitioner herein to resort to the alternate mode of recovery of the maintenance arrears by way of attaching the property of the 3rd respondent.



CrI.O.P.No.18048 of 2024

WEB COPY

4. With this observation this Criminal Original Petition is disposed of.

29.08.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The District Superintendent of Police,
O/o District Superintendent of Police,
Tirupathur.

2. The Inspector of Police,
Tirupathur Town Police Station,
Trupathur.

3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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