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CrI.O.P.No.19405 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.19405 of 2024

S.Priya

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Commissioner Office, Milk Colony,
Madhavaram, Chennai – 600 118.

2. The Inspector of Police,
T1, Police Station,
Ambattur, Chennai – 600 053.

3. P.Mohan Kumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the Inspector of Police, T1, Ambattur Police Station, Chennai to execute NBW pending against 3rd respondent in C.M.P.No.726 of 2023 in M.C.No.8 of 2020 pending on the file of the Judicial Magistrate Court, Ambattur and to fix an early date to recover the amount of Rs.6,25,000/- for her interim maintenance.

For Petitioner : Ms.S.Priya
(Party-in-Person)



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For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1 and R2

Mr.Gireeshvaran for R3

ORDER

This Criminal Original Petition is filed to direct the second respondent/Police, to execute NBW pending against the third respondent in C.M.P.No.726 of 2023 in M.C.No.8 of 2020 pending on the file of the Judicial Magistrate Court, Ambattur and to fix an early date to recover interim maintenance amount of Rs.6,25,000/- from the third respondent.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the third respondent/husband submitted that the third respondent/husband appeared before the learned Judicial Magistrate, Ambattur, Chennai for every hearing, however, he failed to appear before the Court below for one hearing, non bailable warrant was issued against him. He further submitted that when the matter was taken up for hearing on 12.09.2024 by this Court, the third respondent was present before this Court. Even in the last hearing also, the third respondent appeared before the learned Magistrate and also he has given



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an undertaking that he will appear for every hearing before the Court below.

3. Heard both sides and perused the materials available on record.

4. Taking note of the above undertaking given by the learned counsel for the third respondent, this Criminal Original Petition is disposed of, with the following directions :

(i) The third respondent/husband is directed to appear before the learned Judicial Magistrate, Ambattur, pending case in M.C.No.8 of 2020 for every hearing, failing which, the learned Magistrate is directed to issue non bailable warrant and the respondents/Police are directed to execute the warrant.

(ii) The third respondent is also directed to pay entire arrears amount before the Court below.

(iii) The learned Judicial Magistrate, Ambattur, Chennai is directed to dispose of the case on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

(iv) The third respondent herein is directed to extend his fullest co-operation to dispose of the case.



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Note : Issue Order Copy on 14.11.2024.

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate,
Ambattur, Chennai.
2. The Deputy Commissioner of Police,
Commissioner Office, Milk Colony,
Madhavaram, Chennai – 600 118.
3. The Inspector of Police,
T1, Police Station,
Ambattur, Chennai – 600 053.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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