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Crl.O.P.No.4020 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4020 of 2025

1. S.Radhika

2. Master Parthasarathy, Minor aged
15 years represented by his mother
& natural guardian Mrs.S.Radhika

... Petitioners

Vs

1. The Inspector of Police,
P2, Otteri Police Station (Law and Order),
Otteri, Chennai – 600012.

2. M.Raju

... Respondents

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first respondent Police to execute the Non-Bailable Warrant issued against the second respondent in Crl.M.P.No.702 of 2022 in M.C.No.80 of 2018 pending on the file of the III Additional Family Court at Chennai.

For Petitioners : Mr.C.Venkatesan

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side) for R1



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ORDER

This petition has been filed for execution of Non-Bailable Warrant issued against the second respondent in Crl.M.P.No.702 of 2022 in M.C.No.80 of 2018 on the file of the III Additional Family Court at Chennai.

2. The first petitioner is the wife of the second respondent. They got married on 08.03.2009. Thereafter, due to misunderstanding, they got separated and the second respondent filed a divorce petition in HMOP No.1513 of 2013 before the I Additional Family Court, Chennai and the same was dismissed for default in the year 2018. Subsequently, the first petitioner filed a petition for restitution of conjugal rights in HMOP No.3848 of 2017 and also filed a petition for Maintenance in M.C.No.80 of 2018 before the III Additional Family Court, Chennai. Both the petitions were allowed and the Trial Court directed the second respondent to pay a sum of Rs.15,000/- to the first petitioner and Rs.10,000/- to the second petitioner as monthly maintenance. Aggrieved by the same, the second



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respondent preferred an appeal before this Court and the same was dismissed. Thereafter, in order to execute the maintenance order, the petitioner filed a petition in Crl.M.P.No.702 of 2022 in M.C.No.80 of 2018, seeking arrears of maintenance. However, the second respondent did not comply with the same and as such, the Non-Bailable Warrant was issued against him and it is pending on the file of the first respondent.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the Non-Bailable Warrant against the second respondent would be executed within a period of two weeks.

4. Heard the learned counsel for both sides and perused the materials available on record.

5. Considering the above facts and circumstances, the first respondent is directed to execute the Non-Bailable Warrant issued as against the second respondent in Crl.M.P.No.702 of 2022 in M.C.No.80 of 2018 within a period of two weeks from the date of receipt of a copy of this order.



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The petitioner is directed to furnish the correct address of the second respondent and co-operate while executing the Non-Bailable Warrant with the first respondent.

6. With the above observations, this Criminal Original Petition is allowed.

17.02.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Inspector of Police,
P2, Otteri Police Station (Law and Order),
Otteri, Chennai – 600012.
2. The III Additional Family Court at Chennai.



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G.K.ILANTHIRAIYAN, J.

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