



Crl.O.P.No. 5197 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Chithra Petitioner

Vs

Kannan Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, directing the Sub Division Engineer, Sub Division Office, Highway Department, Thittagudi, Cuddalore District, Garnishee to comply the order passed by the Judicial Magistrate, Thittagudi in CMP No.309 of 2023 in M.C.No.2 of 2021 dated 05.12.2024 in accordance with law.

For Petitioner : Mr.M.Velmurugan

ORDER

This Criminal Original Petition has been filed seeking a direction to the Sub Division Engineer, Sub Division Office, Highway Department, Thittagudi, Cuddalore District, to comply with the order passed by the Judicial Magistrate, Thittagudi in CMP No.309 of 2023 in M.C.No.2 of 2021 dated 05.12.2024, in accordance with law.



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2. Heard the learned counsel appearing on either side and perused the

WEB COPY materials available on record.

3. The petitioner is the wife of the respondent herein. They got married and due to misunderstandings, they got separated. The petitioner was also driven out from the matrimonial home. Therefore, the petitioner could not maintain herself and filed a petition for maintenance in M.C.No.2 of 2021 on the file of the Judicial Magistrate, Thittagudi, Cuddalore District. After a full-fledged trial, it was allowed by the Trial Court and directed the respondent to pay a sum of Rs.15,000/- per month as monthly maintenance by an order dated 30.05.2022. However, the said order has not been complied with by the respondent so far. Hence, the petitioner filed an application under Section 128 of Cr.P.C. to execute the order passed in M.C.No.2 of 2021. The Trial Court allowed the application and directed the attachment of the respondent's pension from the office of the Sub Division Engineer, Highway, Thittagudi, Cuddalore District. The respondent is a retired Office Assistant from the office of the Sub Division Engineer, Highway, Thittagudi, Cuddalore District.

4. In view of the above, the Sub Division Engineer, Highway, Thittagudi, Cuddalore District, is directed to comply with the order dated 05.12.2024



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passed in CMP No.309 of 2023 in M.C.No.2 of 2021 by the Judicial

Magistrate, Thittagudi, forthwith.

5. With the above direction, this Criminal Original Petition stands allowed.

25.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

The Sub Division Engineer,
Sub Division Office,
Highway Department,
Thittagudi, Cuddalore



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