



Crl.O.P.(MD)No.503 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.503 of 2025

V.Vasudevan

... Petitioner

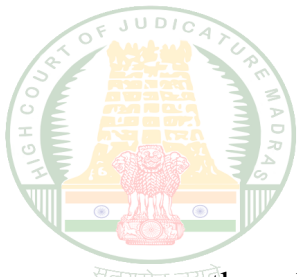
Vs.

- 1.The State of Tamil Nadu, Rep. by
The Superintendent of Police,
Uthamapalayam,
Theni District.
- 2.The Inspector of Police,
Odaipatti, Uthamapalayam Taluk,
Theni District.
- 3.E.Garden Import and Export,
A Proprietorship Concern by its Proprietor,
P.Muhammed Faizel,
335/15, Piraroor Post,
Kalady Panchayat, Aluva,
Ernakulam, Kerala State.

4.P.Muhammed Faizal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to issue a direction, directing the respondents 1 and 2 to assist the Shoranur Police Station, Kerala State to execute the warrant issued by



Crl.O.P.(MD)/No.503 of 2025

the learned Judicial Magistrate (FTC), Uthamapalayam, dated 05.11.2024, in C.C.No.2 of 2020.

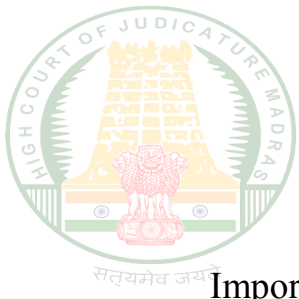
For Petitioner : Ms.B.Bhuvaneshvari
for M/s.Ganesan Legist Law Firm

For R1 and R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents 1 and 2 to assist the Shoranur Police Station, Kerala State to execute the warrant issued by the learned Judicial Magistrate (FTC), Uthamapalayam, dated 05.11.2024, in C.C.No.2 of 2020.

2. The learned counsel for the petitioner submits that the petitioner resides at Kamaraja Bhavanam East Street, Uthamapalayam Taluk, Theni District and is engaged in the business of a Vegetable Vendor and Marketer. The learned counsel for the petitioner further submits that the accused purchased vegetables from him on a credit basis, and payments were made periodically. The 4th respondent/accused is the proprietor of a firm engaged in vegetable export under the name and style of "E Garden



Crl.O.P.(MD)/No.503 of 2025

WEB COPY

Import & Export" located at Aluva, Ernakulam. The 4th respondent is also the proprietor of the 3rd respondent/accused firm. The 3rd respondent/accused firm placed an order for various vegetables from the petitioner, and the petitioner's firm supplied the vegetables on credit basis, with periodic repayments being made by the 3rd respondent.

3. The learned counsel for the petitioner further submits that in order to repay the outstanding amounts, the 4th respondent/accused issued two cheques of Rs.2,50,000/- each, drawn on Axis Bank Limited, Angamaly Branch, Kerala. The cheques bearing Nos.102095 and 102096, dated 10.05.2019, were issued by the 4th respondent to discharge his legal liability. The petitioner presented the said cheques at his bank (Federal Bank Limited, Chinnamanur Branch) on 10.05.2019, but both cheques were returned with an endorsement as "Funds Insufficient" on 14.05.2019. The petitioner re-presented the same cheques on 10.06.2019, but they were again returned as "Funds Insufficient" on 12.06.2019. Therefore, a legal notice was sent to the accused on 22.06.2019, demanding repayment within 15 days. The notice was duly received by the 4th respondent/accused at his residence on 27.06.2019. However, the notice sent to the office of the 3rd respondent/accused was deliberately



Crl.O.P.(MD)/No.503 of 2025

WEB COPY

returned undelivered. As of today, neither the 3rd respondent/accused has neither repaid the amount nor provided any response to the legal notice.

4. The learned counsel for the petitioner further submits that the petitioner complied with the statutory procedures under the Negotiable Instruments Act and filed a complaint before the learned Judicial Magistrate (FTC), Uthamapalayam, on 22.07.2019. Since then, there have been numerous hearings and issuance of summons. Despite receiving summons, the accused has neither appeared in person nor through counsel. On 05.11.2024, the learned Judicial Magistrate (FTC), Uthamapalayam, issued a warrant against the accused to the Inspector of Police, Shoranur Police Station, Kerala. However, when the petitioner approached the Shoranur Police to execute the warrant, they insisted that assistance from the Odaipatti Police Station, which is within the petitioner's jurisdiction, was needed. The petitioner then sent a representation to the Inspector of Police, Odaipatti, and the Superintendent of Police, Theni District, seeking assistance from the Tamil Nadu Police for the execution of the warrant. Despite repeated requests, the authorities have failed to provide the necessary assistance to the Kerala Police for executing the warrant.

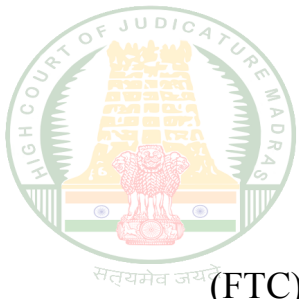


Crl.O.P.(MD)No.503 of 2025

WEB COPY

5. The learned counsel for the petitioner also submits that the petitioner has been struggling to recover his dues from the accused since 2019, and nearly five years have passed with no substantial progress in the case. The petitioner has faced repeated delays, and only now, the learned Judicial Magistrate (FTC), Uthamapalayam, has issued a warrant against the accused. The petitioner now seeks assistance from the local jurisdiction police to execute the warrant and the respondent police to ensure the enforcement of the Judicial Magistrate's order.

6. The learned Additional Public Prosecutor submits that the Director General of Police has issued a Circular Memorandum in Rc.No. 004549/Crime 4(3)/2024, dated 13.11.2024, outlining the procedures to be followed for the arrest of accused persons located in other states. This memorandum provides clear guidelines to ensure coordination between police authorities of different states for the effective execution of warrants, particularly in cases involving the arrest of accused persons across state borders. The learned Additional Public Prosecutor further submits that this circular would be relevant in the present case to facilitate the execution of the warrant issued by the Judicial Magistrate



Crl.O.P.(MD)No.503 of 2025

WEB COPY

(FTC), Uthamapalayam, against the accused, and to ensure that the necessary steps are taken to execute the arrest in compliance with the prescribed inter-state procedures.

7. In the light of the submissions made by the learned Additional Public Prosecutor regarding the Circular Memorandum issued by the Director General of Police on 13.11.2024, this Court directs the Police authorities to execute the warrant issued by the Judicial Magistrate (FTC), Uthamapalayam, against the accused in accordance with the procedures outlined in the said Circular. Accordingly, this Criminal Original Petition is disposed of.

NCC : Yes / No

10.01.2025

Index : Yes / No

smn2

Note:- Registry is directed to return the original non-bailable warrant to the learned counsel for the petitioner after substituting attesting copy of the same.

To

1.The Judicial Magistrate (FTC),
Uthamapalayam.



Crl.O.P.(MD)No.503 of 2025

2.The Superintendent of Police,
Uthamapalayam,
Theni District.

3.The Inspector of Police,
Odaipatti, Uthamapalayam Taluk,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.503 of 2025

M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.503 of 2025

Dated: 10.01.2025