



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 635 of 2026

CrI.MP.No.4793 of 2026

A.Manimaran, S/o.Ayyasamy,
No.4/428, Thamarai Street, Prem Nagar,
Polichallur, Chennai-600 074.

..Petitioner(s)

Vs

1. F.Jeniffer, D/o.Francis,
No.6, Kamatchiamman Nagar, Mangadu,
Chennai-600 122.
2. M.Antony Vinoth Kumar
S/o.Manimaran, Residing at No.4/428,
Thamarai Street, Prem Nagar,
Polichallur, Chennai-600 074.
3. M.Emelda Sagaya Mary, W/o.Manimaran,
Residing at No.4/428, Thamarai Street,
Prem Nagar, Polichallur,
Chennai-600 074.

..Respondent(s)

Prayer:- To set aside the order passed by Honble Judicial Magistrate,
Sriperumbudur passed in CrI.MP.No.2205 of 2025, dated 12.02.2026.

For Petitioner(s):

Mr.M.Dharanidharan for Mr.P.Radha Krishnan

ORDER

1. This Criminal Revision Case is filed to set aside the order dated, 12.02.2026,
passed in CrI.MP.No.2205 of 2025, by the Judicial Magistrate,
Sriperumpudur.



2. The facts of the case are that the 1st Respondent is the wife of the 2nd Respondent and the Petitioner and the 3rd Respondent are the father and mother of the 2nd Respondent. The 1st Respondent had filed DVC.No.9 of 2022 before the Trial Court under Section 12 of the Protection of Women from Domestic Violence Act, praying reliefs under Sections 18, 19(1)(f), 20 and 22 of the said Act against the Petitioner and the Respondents 2 and 3 herein, alleging continuous harassment and defamation among the community members. The Trial Court had allowed the said DVC.No.9 of 2022, by the order dated, 28.07.2025, granting the following reliefs:-

1. Protection Order under Section 18 of the Protection of Women from Domestic Violence Act, 2005 is granted, restraining the Respondents 1 to 3 from committing any act of domestic violence or contacting, communicating with, or causing harassment-directly or indirectly-to the Petitioner or her child.
2. Residence Order under Section 19(1)(f) is allowed and the Respondent is directed to provide suitable alternate accommodation or pay a monthly rent of Rs.5000 effective from the date of this order.
3. Monetary Relief under Section 20 is awarded as follows:-
 - (a) Rs.20,000/- (Rupees Twenty Thousand only) per month as maintenance to the Petitioner.
 - (b) Rs.10,000/- (Rupees ten thousand only) per month for the minor child.
 - (c) Total of Rs.30,000/- per month payable by the 1st Respondent on or before the 10th of each month, starting from 01.08.2025.
 - (d) Additionally, Rs.10,000/- per month towards child care



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expenses from the date of filing of the petition is to be reimbursed as a lump sum by the 1st Respondent, subject to mutual adjustment.

4. Compensation under Section 22 is granted in the sum of Rs.5,00,000/- (Rupees Five Lakhs only) payable by the 1st Respondent to the Petitioner within a period of three (3) months from the date of this Order.”

3. Thereafter, the 1st Respondent had filed a execution petition in CMP.No.2205 of 2025 in DVC.No.9 of 2022, before the Trial Court, seeking to pass an order of execution and to issue non-bailable warrant against the Petitioner and the Respondents 2 and 3 for realization of the amount ordered by the Trial Court, alleging that since the order dated, 28.07.2025, passed in DVC.No.9 of 2022 had become final, since no application was filed as against the same nor there is no order of stay against the order of the Trial Court and as per the order, dated 28.07.2025, they have not come forward to settle the amounts to the 2nd Respondent. In the execution proceedings, the Trial Court, by the impugned order, dated 12.02.2026, had issued distress warrant against the Petitioner. Hence, this Criminal Revision Case is filed by the Revision Petitioner/father in law of the 1st Respondent.

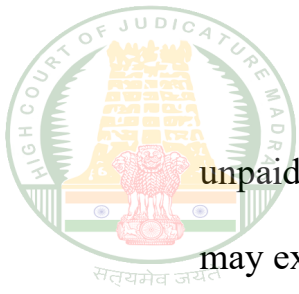
4. This Court heard Mr.M.Dharanidharan for Mr.P.Radhakrishnan, the learned counsel for the Petitioner and considered his submissions and also perused the entire materials placed on record.



5. The learned counsel for the Petitioner has submitted that as against the order passed in DVC.No.9 of 2022, dated 28.07.2025, an appeal in Crl.A.No.16 of 2025 has been preferred before the Principal Sessions and District Judge, Kancheepuram and that the calculation of arrears is not properly made and that without providing sufficient opportunity, the Trial Court had issued the distress warrant, in a mechanical manner and that since there is no need to add the Petitioner and his wife as the Respondents in the execution petition, no distress warrant can be issued against them and prayed this Court to allow this Criminal Revision Case.

6. On a perusal of the records, this Court finds that court below had allowed the said DVC.No.9 of 2022, by the order dated, 28.07.2025, granting monetary reliefs under Sections 18, 19(1)(f), 20 and 22 of the Protection of Women from Domestic Violence Act. Since the judgement debtors did not come forward to comply with the above order within time, the 1st Respondent had filed an execution petition to enforce the monetary reliefs under Section 20(6) of the DV Act read with Section 125(3) of Cr.PC before the Trial Court.

7. As per Section 125(3) of Cr.PC, if any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole or any part of each month's allowance for the maintenance or the interim maintenance and expenses of proceedings as the case may be, remaining



unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made.

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8. In the impugned order, it was observed by the court below that though it is stated that an appeal and stay petition are pending, no order of stay was produced and that mere filing of an appeal does not suspend the execution Petition and that despite sufficient opportunity, no payment was made, for which, no sufficient cause was shown and for continuous default without sufficient cause, it was mandatory to issue a distress warrant, as per the provisions of Section 125(3) of Cr.PC.

9. Even before this court, the learned counsel for the Petitioner is not able to show any sufficient cause for not complying with the order dated 28.07.2025, granting monetary reliefs under the provisions of the Protection of Women From Domestic Violence Act. The Revision Petitioner/Father in law was also a party to the judgement, dated 28.07.2025 and the execution proceedings. Only before this court, a plea is made that the Revision Petitioner and his wife are not necessary parties to the execution proceedings, which is untenable. The reasons assigned by the learned counsel for the Petitioner cannot be held to be sufficient causes. In the absence of sufficient cause for non payment of monetary reliefs shown by the judgement debtors, the court below rightly issued the distress warrant, by the impugned order and there is no illegality or infirmity in the impugned order, which does not call for interference by this Court.



10. In view of the above observations and discussions, this Criminal Revision Case is dismissed. Consequently, the connected Crl.MP. is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRCM

To

1. The Judicial Magistrate, Sriperumbudur



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SHAMIM AHMED, J.

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