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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6923 of 2026

Anbucheliyan

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police
Chengalpattu District.
2. The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.
3. Durai

..Respondent(s)

PRAYER – This Criminal Original Petition is filed under Section 528 of BNSS, to direct the 1st and 2nd respondents to execute the Non-Bailable Warrant dated 12/01/2015 issued by the District Munsif Cum Judicial Magistrate, Thirukazhukundram in S.T.C.No.55 of 2014 against the third respondent.

For Petitioner(s): Mr.R.T.Vijayaraaghavan

For Respondent(s): Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor (For R1 & R2)

ORDER

The petitioner as complainant had filed a private complaint against the 3rd respondent under Section 138 of N.I. Act. This petition has been filed seeking for a direction to execute the Non-Bailable Warrant issued against the 3rd respondent on 12.01.2015, which has been kept pending for almost 10 years.



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Inspector of Police
D2, Chengalpattu Taluk P.S.,
Chengalpattu District.



3. From the submission and the report of the Inspector of Police, D2-Chengalpattu Taluk Police Station, it is seen that the 3rd respondent was very much available in his house and the 3rd respondent/accused was picked up from his house and it is not the case that he was absconding or not available. The Police showing their lethargic in executing the Non-Bailable Warrant issued by the Courts, though it may be a private complaint, is not proper. Once a Non-Bailable Warrant is issued, it is an order of the Court which has to be obeyed, whether it is private complaint or a Police case. In this case, it is seen that for more than 10 years, a person who was very much available in his house, Non-Bailable Warrant has not been issued, which is not proper and is deprecated. This, non-cooperation of the Police has led to accumulation and pendency of the case for years together before the Trial Courts. Hence, the **Deputy Superintendent of Police/1st respondent** to conduct an enquiry and find out for what reason the Non-Bailable Warrant which was issued as early as in the year 2015 was not executed and also file a report as to what steps have been taken against the lethargic shown by such officers, on or before 09.04.2026.

4. In the mean while, the Trial Court shall ensure that the trial in this case is completed without any further delay, within a period of two months on or before 15.05.2026, taking appropriate measures ensuring the presence of the 3rd respondent/accused.



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M.NIRMAL KUMAR, J.

GSA

5.To report the compliance, list the matter on 10.04.2026.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSA

To

1. The Deputy Superintendent of Police
Chengalpattu District.
2. The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.
3. The Public Prosecutor,
Madras High Court.
4. The District Munsif Cum Judicial Magistrate,
Thirukazhukundram

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