



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14164 of 2020

and Crl.M.P.(MD)No.6558 of 2020

WEB COPY

Antonyasathish

... Petitioner/Accused No.2

Vs.

1.State through by
The Inspector of Police,
Uvari Police Station,
In Crime No.98 of 2020
Tirunelveli District.

...1st Respondent/Complainant

2.James
Sub Inspector of Police,
Uvari Police Station,
Tirunelveli District.

...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to FIR in Crime No.98 of 2020 on the file of the first respondent and quash the same as against the petitioner is concerned.

For Petitioner	: Mr.C.Susi Kumar
For R1	: Mr.V.Neelakandan, Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in crime No.98 of 2020 on the file of the first respondent herein, as against the petitioner is concerned.

2.The above FIR has been filed stating that due to pandemic situation, Section 144 Cr.P.C was promulgated and in violation of the same, on 07.05.2020, the petitioner/accused is said to have played cricket without knowing the consequences of spread of Covid-19 and therefore, the FIR came to be filed.

3.The allegation is very trivial in nature and this Court has held that Section 188 IPC can be invoked only if there has been a disobedience of a duly promulgated order by a public servant and the law has been elaborately discussed in various judgments of this Court. Even if all the averments set out in the FIR are taken as true, no cognizable offence is made out against the petitioner to register the FIR and therefore, I am inclined to quash the FIR.



4. Accordingly, the FIR in Crime No.98/2020 on the file of the 1st respondent/police is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.14164 of 2020
07.12.2020

DKS (CO)
KB(22.12.2020) 2P 3C