

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.25 OF 2021

Akshay s/o Deepak Wanjari
Aged 25 yrs, Occu. NIL,
R/o Vanjari Bhavan, Plot No.92, Koradi,
Tahsil Kamptee,
district Nagpur.

... **APPLICANT**

// VERSUS //

1. State of Maharashtra,
through Police Station Officer,
Koradi, Tahsil Kamptee,
Distt.Nagpur.

2. Dinesh Jadhav,
aged about 55 yrs. Service,
Police Constable, Koradi
Police Station,
R/o C/o Koradi Police Station,
Nagpur.

... **RESPONDENTS**

Shri S.G.Karmarkar, Advocate for Applicant.

Ms. Mayuri Deshmukh, Additional Public Prosecutor for
Non-applicant No.1 - State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 19/01/2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.

2. Rule. Rule is made returnable forthwith.

3. This is an application filed under Section 482 of the
Code of Criminal Procedure, challenging First Information Report

No.0094/2020 dated 1.4.2020 registered with the non-applicant no.1 – Police Station, for offences punishable under Sections 188 and 270 of the Indian Penal Code read with Section 51 (b) of the Disaster Management Act, 2005 read with Section 3 of the Epidemic Act, 1897.

4. The First Information Report came to be registered on 1st April, 2020 with the accusation that on 22.3.2020, an order was issued under Section 144 of the Code of Criminal Procedure with an intention to restrict Corona virus epidemic. It is alleged that the applicant without any reason was driving his two-wheeler on the public road and has, therefore, done act, which is injurious to the public.

5. The applicant has, therefore, filed present application challenging registration of the First Information Report. This Court on 11.1.2021, issued notice to the non-applicant.

6. We have carefully considered the contents of the First Information Report. From the allegations in the First Information Report, it appears that the prosecution has not

alleged any intention on the part of the applicant. There is no allegation in the First Information Report that the applicant has done any malignant act knowingly, which is likely to spread infection of Covid 19.

7. On careful reading of the First Information Report, it appears that the allegations in the First Information Report are vague in nature and does not disclose offences alleged against the applicant. We are, therefore, satisfied that the continuance of proceedings against the applicant would amount to abuse of process of Court. Therefore, we pass following order:

ORDER

First Information Report No.0094/2020 dated 1.4.2020 registered with the non-applicant no.1 - Police Station for offences punishable under Sections 188 and 270 of the Indian Penal Code read with Section 51 (b) of the Disaster Management Act read with Section 3 of the Epidemic Act, 1879 thereunder (Annexure A) is quashed and set aside.

Rule is made absolute in the aforesaid terms.

JUDGE

JUDGE