

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

Coram

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4412 of 2021

and

Crl.M.P.No.2824 of 2021

Kumaresh

...Petitioner

Versus

1.The State represented by its
Inspector of Police,
Bhavani Police Station,
Erode.

2. The Village Administrative Officer,
Jambai B Village,
Bhavani Taluk,
Erode District.

...Respondents

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records pertaining to Crime No.218 of 2020 dated 02.04.2020 on the file of the Inspector of Police, Bhavani Police Station, Erode and quash the same.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.C.Raghavan R1
Government Advocate
(Crl. Side)

ORDER जयते

On consent given by either side, the main petition itself has been taken up for final hearing.

2. This petition has been filed seeking to quash the proceedings in Crime No.218 of 2020.

3. The case of the prosecution is that the petitioner had sent an E-mail communication to the District Collector to the effect that the prohibitory orders issued under Section 144 of Cr.P.C. has not been properly complied with and as a result of the same, there is a possibility of the spread of Covid-19 Virus. This communication that was sent by the petitioner was

made a cause of action by the second respondent to give a complaint against the petitioner and an FIR came to be registered in Crime No.218 of 2020 for the offences under Section 153 and 504 of IPC.

4. Heard Mr.M.Selvam, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate (crl. Side) appearing on behalf of the first respondent.

5. In the considered view of this Court, the petitioner who is a practicing advocate had only cautioned to the District Collector that the prohibitory orders are being violated by certain persons in the locality and there is a chance of the spread of the virus. This communication can never make out any offence and the complaint given by the second respondent on this ground is totally unsustainable and is a clear abuse of process of law. The prosecution against the petitioner cannot continue even for a second and it has to be quashed forthwith.

6. In the result, the FIR in Crime No.218 of 2020, on the file of the first respondent police, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Bhavani Police Station, Erode.

2.The Village Administration Officer,
Jambai B Village, Bhavani Taluk,
Erode District.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Selvam, Advocate, S.R.No. 14520

CrI.O.P.No.4412 of 2021
and CrI.M.P.No.2824 of 2021

RP (CO)
GN(30/06/2021)