



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.2506 of 2021
and
Crl.M.P(MD)No.1318 of 2021

Ajay Praveen

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

2.G.Ganesan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.206 of 2020 on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner : Mr.S.C.Herold Singh

For 1st Respondent : Mr.S.Chandrasekar

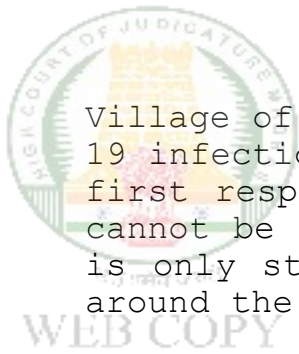
Additional Public Prosecutor

ORDER

The present petition is filed by the petitioner, seeking for a direction to quash the First Information Report in Crime No.206 of 2020 of Palani Taluk Police Station, Dindigul District.

2.The case of the prosecution is that the present petitioner was roaming in and around on 12.04.2020 at about 8.30 a.m., though there was a curfew under Section 144 of the Code of Criminal Procedure and hence, the petitioner along with six others were arrested by the Sub Inspector of Police, Palani Taluk Police Station, for the alleged offence punishable under Section 269 of the Indian Penal Code read with Section 51(1)(b) of Disaster Management Act, 2005.

3.Mr.S.C.Herold Singh, learned counsel for the petitioner relied on a decision of the Single Bench of this Court passed on 29.10.2020 in Crl.OP(MD) No.11405 of 2020 and contended that in the



Village of the petitioner, there is not even a single case of Covid-19 infection and that the First Information Report registered by the first respondent police under Section 269 of the Indian Penal Code cannot be sustained. His further contention is that the petitioner is only standing in front of his house and was not roaming in and around the Village.

4.In the decision relied on by the learned counsel for the petitioner in **Maheswaran Vs. The State represented by, The Inspector of Police, Kulathur Police Station, Thoothukudi District and another made in Crl.OP.(MD) No.11405 of 2020, dated 29.10.2020**, a Single Judge of this Court held thus :

"7.The petitioner's specific case is that in their village there is not even single case of Covid-19 infection. The FIR was registered as early as on 11.07.2020. More than three and half months have elapsed, till date in the village not even single case of infection has been reported. Therefore, the subsequent events clearly vindicate the stand of the petitioner that he had not done anything so as to spread the inspection of the decease. I am therefore of the view that Section 269 of I.P.C. also cannot be invoked in this case."

5.Applying the same analogy, the present Criminal Original Petition is allowed and the entire proceedings in First Information Report in Crime No.206 of 2020 of Palani Taluk Police Station, Dindigul District. stands quashed, as far as the present petitioner is concerned. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-5829[F] dated
18/02/2021)

Crl.O.P. (MD)No.2506 of 2021

KUN(CO)

TR(10.03.2021) 3P 4C