



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

CrI.O.P.(MD)No.10920 of 2021 and

CrI.M.P(MD) No.5577 of 2021

Chandrasekar

... Petitioner/2nd Accused

Vs.

1.The Inspector of Police,
Parthibanoor Police Station,
Crime No.336 of 2020
Ramanathapuram District.

...1st Respondent /Complainant

2.M.Kannan

...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.336 of 2020, on the file of the first respondent police, Parthibanoor Police Station, Ramanathapuram District and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.A.Arputharaj

For Respondent : Mr.K.Sanjai Gandhi

Additional Public Prosecutor

ORDER

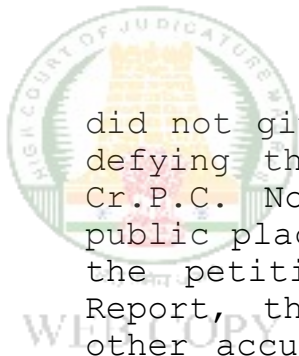
This petition has been filed to quash the impugned First Information Report registered in Crime No.336 of 2020, on the file of the respondent herein.

2.The complaint against this petitioner is that on 28.09.2020, the petitioner along with other accused persons were found assembled in the main road of Kamuthi to Parthibanoor, near Parthibanoor bus stand, without any permission, violating the order passed by the Government during Covid-19 pandemic situation. Hence, a case in Crime No.336 of 2020, for the offences punishable under Sections 188 and 269 IPC r/w 3 of Epidemic Disease Act, 1897 & 51(b) Disaster Management Act 2005 has been registered.

3.Seeking quashment of the First Information Report, this petition came to be filed mainly on the ground that the offence under Section 188 IPC is non-cognizable offence, for which, the first respondent police has no right to file First Information Report and investigate the matter. In respect of other offence, none of the allegations mentioned in the First Information Report attract any of the ingredients of the offences against the petitioner.

4.Heard both sides.

5.It is found that this petitioner assembled along with other accused when COVID-19 protocol was in force. The petitioner



did not give any reason or explanation for coming out of the house, defying the order passed by the Government under Section 144 of Cr.P.C. No doubt, defying the Government order and gathering in public place during the pandemic situation is mistake on the part of the petitioner. Even then, instead of filing First Information Report, the respondent ought to have warned the petitioner and other accused to go home and remain in home. Without giving such warning, it appears that the case has been registered.

6.The learned counsel for the petitioner would submit that the Government has also proposed to drop all such cases, which have been registered against the public during pandemic period.

7.Taking totality of the facts and circumstances and taking into consideration the fact that the Government also proposed to drop such cases filed during pandemic period, the First Information Report in Crime No.336 of 2020, on the file of the respondent police is required to be quashed and accordingly, the same is quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Parthibanoor Police Station,
Ramanathapuram District.

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

Crl.O.P. (MD) No.10920 of 2021 and
Crl.M.P(MD) No.5577 of 2021
25.10.2021

PS (CO)

KB(12.11.2021) 2P 3C