



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGOVAN**

CrI.O.P.(MD)No.12387 of 2021 and

CrI.M.P(MD) No.6334 of 2021

WEB COPY

M.Manikandan

... Petitioner/Sole Accused

Vs.

The Sub-Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.

... Respondent/Defacto-Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the F.I.R, registered in Crime No.202 of 2020, on the file of the respondent and quash the same as illegal.

For Petitioner : Mr.P.Banuprasath

For Respondent : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

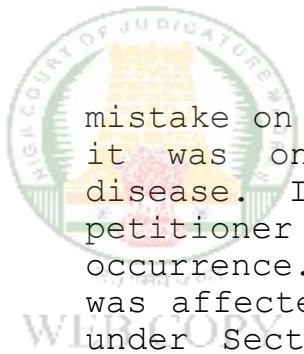
This petition has been filed to quash the First Information Report registered in Crime No.202 of 2020, on the file of the first respondent

2.The complaint against this petitioner is that on 07.05.2020, the accused person was walking near Puthiyamuthur Melamadam Street, violating the order passed by the Government under Section 144 of Cr.P.C. On the basis a case in Crime No.202 of 2020, for the offences punishable under Sections 188 and 269 IPC r/w has been registered by the respondent.

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 respondent police has no right to file First Information Report and investigate the matter. In respect of other offences, none of the allegations mentioned in the First Information Report attract any of the ingredients of the offence against the petitioner.

4.Heard both sides.

5.It is found that this petitioner was found walking nearby Puthiyamuthur Melamadam Street, 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 roaming in and around public place during the pandemic situation is



mistake on the part of the petitioner. But, however, it is seen that it was only casual outing without any intention of spreading disease. It is also not the case of the prosecution that the petitioner was affected with Covid-19 at the time of alleged occurrence. Absence of any such material to show that the petitioner was affected by Covid 19 at the time of alleged occurrence, offence under Section 269 of IPC is also not attracted. As I mentioned earlier, it was the casual outing made by the petitioner without minding the consequences. Instead of filing First Information Report, the respondent ought to have warned the petitioner 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 circumstance, the First Information Report in Crime No.202 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 (W)

// True Copy //

/ /2021

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 Sub-Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-27561[F] dated 27/08/2021)

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RS (09.09.2021) 2P 4C

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