



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.10.2021

CORAM

The Hon`ble Mr.Justice G.ILANGO VAN

CrI.O.P(MD).No.15262 of 2021

Srinath

... Petitioner

Vs

1.State rep. by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.335 of 2021)

2. Balakrishnan

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR in Crime No.335 of 2021 pending on the file of the Inspector of Police, Melur Police Station, Madurai District and quash the same so far as the petitioner is concerned.

For Petitioner : Mr.P. Saravanan

For respondents : Mr.RMS. Sethuraman
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking direction to quash the First Information Report in Crime No.335 of 2021 on the file of the first respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3.The case of the petitioner is that on 25.05.2021 at about 12.15 hours, the petitioner herein was roaming in the road by using his two wheeler at the time of prohibition due to COVID-19 pandemic. Hence, a case in Crime No.335 of 2021 for the offence punishable under Sections 269 of IPC r/w. Section 3 of Epidemic Diseases Act, 1897 has been registered on the same day. The present petition is filed to quash the First Information Report in Crime No.335 of 2021.



4. According to the petitioner, there is no intention on the part of the petitioner to spread the disease to another and simply he was roaming in that area.

5. Heard both sides.

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6. A detailed guideline has been issued by this Court in the judgment reported in **2018(2) L.W (Cr1.) 606 In Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another**). The offence under Section 269 IPC is concerned, as per the contents of the First Information Report, it is seen that the petitioner was simply roaming in the road. It is a trivial matter in which no offence of grievous nature is involved. Even though Section 144 Cr.P.C order was in force, during the relevant time the respondent police ought to have warned the petitioner to go in-door, instead of that, they filed a case. It is also not the case of the respondent police that at the time of the incident, the petitioner was affected by Covid-19. So the contention that roaming in the road during the pandemic period will spread the disease is without any basis.

7. Considering the nature of allegations and the offences involved in this case, I am of the considered view that roaming in the road without any reason should not be a reason for spoiling the future of the petitioner. Unintended casual act should not take away the future of the petitioner. Moreover, it is also brought to the notice of this Court that the Government is also going to drop all these cases, which have been registered during the pandemic period against the public. Taking all these aspects into account, I am of the considered view that the First Information Report in Crime No.335 of 2021 on the file of the first respondent is liable to be quashed and the same is quashed.

8. In fine, this petition is allowed.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

trp

To

1. The Inspector of Police,
Melur Police Station,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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