



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2021

CORAM:

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

CrI.O.P. (MD) No.16325 of 2021

and CrI.M.P. (MD) No.8755 of 2021

Ashik Ali

... Petitioner/Accused No.4

Vs.

1.State represented through
The Sub Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

... 1st Respondent/Complainant

2.R.Kasivisvanathan

... 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the case registered in FIR in Crime No.191 of 2020 and quash the same as illegal in so far as the petitioner herein is concerned.

For Petitioner

: Mr.A.Syed Abdul Kather

For Respondent No.1

: Mr.RMS.Sethuraman

Additional Public Prosecutor

ORDER

This petition is filed seeking quashment of Crime No.191 of 2020 on the file of first respondent.

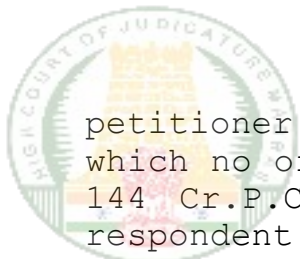
2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for first respondent.

3.The case of the petitioner is that on 24.04.2020, when the 2nd respondent is on his duty, the petitioner and other accused were roaming in the road without wearing mask, at the time of prohibition due to COVID-19 pandemic. Hence, a case in Crime No.358 of 2020 for the offences punishable under Section 270 IPC has been registered. The present petition is filed to quash the First Information Report in Crime No.191 of 2020.

4.Section 270 IPC is concerned, there is no intention on the part of the petitioner to spread the disease to another and simply he was roaming in the road.

5.Heard both sides.

6.The offence under Section 270 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 first 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 first 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. Moreover, 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.191 of 2020 on the file of the first respondent is liable to be quashed and accordingly, the same is quashed.

8.In the result, this petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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,
Puliyangudi Police Station,Tenkasi District.

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

+1CC to Mr. A.Syed Abdul Kather,Advocate(SR.No.32790)

CrI.O.P.(MD)No.16325 of 2021
26.10.2021

MGJ(27.10.2021) 2P 4C

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