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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.10.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**

Cr1.O.P. (MD) No.15739 of 2021

and

Cr1.M.P. (MD) No.8501 of 2021

Deerajkumaran @ Theeraj

... Petitioner/Accused No.3

Vs.

1.The Inspector of Police,
Palani Town Police Station,
Dindigul District.
In Crime No.684/2020.

... 1st Respondent/Complainant

2.Marimuthu

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to FIR pending in Crime No.684 of 2020 on the file of the Sub Inspector of Police, Palani Town Police Station, Dindigul District and quash the same as illegal against the petitioner.

For Petitioner : Mr.R.Banu Jaganath

For R1 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition is filed seeking quashment of Crime No.684 of 2020 on the file of the Sub Inspector of Police, Palani Town Police Station, Dindigul District.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3.The case of the petitioner is that on 28.04.2020, the petitioner herein was roaming in the road without wearing mask at the time of prohibition due to COVID-19 pandemic. Hence, a case in Crime No.684 of 2020 for the offences punishable under Section 269 of IPC has been registered. The present petition is filed to quash the First Information Report in Crime No.684 of 2020.

4.This petition is filed mainly on the ground that insofar as Section 269 of 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 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. 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.684 of 2020 on the file of the 1st 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 (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

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,
Palani Town Police Station,
Dindigul District.



CrI.O.P.(MD)No.15739 of 2021

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

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MGJ/JGB(01.11.2021) 3P 3C

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