



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM:

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

Crl.O.P.(MD)No.16895 of 2021 and
Crl.M.P(MD) No.9149 of 2021

Manikandan ... Petitioner/Sole accused

Vs.

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

(In Crime No.361 of 2020) ...1st Respondent / Complainant

2.Veerasolai ...2ndRespondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.361 of 2020, on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.D.Balamurugapandi
For R1 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed to quash the impugned First Information Report registered in Crime No.361 of 2020, on the file of the respondent herein.

2.The complaint against this petitioner is that on 17.05.2020, the petitioner was found roaming nearby Melauplikundu Elurulaye Amman Kovil without wearing mask, by violating the order passed by the Government during Covid-19 pandemic situation. Hence, a case in Crime No.361 of 2020, for the offences punishable under Sections 188, 269 & 270 IPC 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 was found roaming in temple, 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 the 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.361 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 (CS-II)

// 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,
Koodakovil Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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