



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.11.2021

CORAM:

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

CrI.O.P.(MD)No.16958 of 2021 and

CrI.M.P(MD) No.9168 of 2021

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Seenivasan

... Petitioner/Sole accused

Vs.

1.State represented by

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.193 of 2020)

...1st Respondent/Complainant

2.Justin Manohar,

Sub Inspector of police,
Kovilpatti West Police Station,
Thoothukudi District.

...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records relating to the FIR in Crime No.193 of 2020, on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.M.Prabu

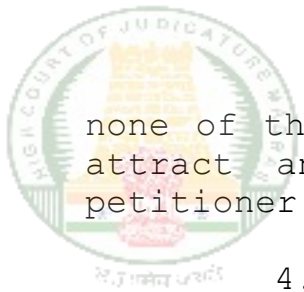
For R1 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed to quash the impugned First Information Report registered in Crime No.193 of 2020, on the file of the respondent herein.

2.The complaint against this petitioner is that on 04.04.2020 at about 6.30 p.m, the petitioner had quarreled with the respondent police and caused public nuisance, by violating the order passed by the Government during Covid-19 pandemic situation. Hence, a case in Crime No.193 of 2020, for the offences punishable under Sections 188 & 291 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.

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5.It is found that this petitioner was found roaming in public place and caused nuisance to the police officials, when COVID-19 protocol was in force. Defying the order passed by the Government under Section 144 of Cr.P.C 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 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.193 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 (AD-I)

// 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,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.193 of 2020)



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

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