



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.17763 of 2021 and

CRL.M.P. (MD)No.9698 of 2021

WEB COPY

Abu @ Abushsalcik Mohammed Younus ... Petitioner / Sole Accused

Vs.

The State rep. By,
The Inspector of Police,
Kottar police station,
Nagercoil,
Kanyakumari District.

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.539 of 2021 on the file of the respondent police and to quash the same.

For Petitioner	: Mr.S.Madhusudanan
For Respondent	: Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor.

* * *

O R D E R

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

2. The petitioner was found roaming around in violation of the lock down restrictions on 06.06.2021. Hence, Crime No.539 of 2021 was registered on the file of Kottar police station for the offences under Section 269 of I.P.C. and Section 3 of the Epidemic Diseases Act, 1897.

3. I will not fault the respondent for having registered the impugned First Information Report. But no adverse consequence ensued. The petitioner is an youngster. Pendency of the impugned prosecution will really affect his future. It is seen that the Government has taken a policy decision not to pursue the cases registered in the wake of breach of lock down restrictions. In these circumstances, continuance of the impugned prosecution is not warranted.



4. Therefore, the impugned First Information Report is quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
Kottar police station,
Nagercoil,
Kanyakumari District.

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

Crl.O.P. (MD)No.17763 of 2021
13.12.2021

NSN (CO)

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