



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.18005 of 2021

WEB COPY

1. Deva Athisayam

2. Prabhu Isravel

3. Esraw

4. Ebenezer Benedict

5. Jeyakumar ... Petitioner / Accused Nos.1 to 5

vs.

1. State Rep. by

Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.

(Crime No.283 of 2020) ... 1st Respondent/Complainant

2. P. Anbarasu

Sub Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District. ... 2nd Respondent/defacto Complainant

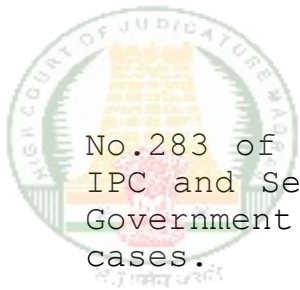
PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.283 of 2020 on the file of the first respondent herein and quash the same.

For Petitioners : Mr.L.Shaji Chellan
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

2. The petitioners are the permanent residents of Kanniyakumari District. The petitioners herein who are five in number held a closed door prayer in Blessing Church at Mathavapuram. During the relevant time, pandemic was at its peak. Lock down restrictions were in force. In fact, all the places of worship had been ordered to be closed. The respondents rightly registered Crime



No.283 of 2020 against the petitioners under Sections 269 & 188 of IPC and Section 51 of Disaster Management Act, 2005. However, the Government had taken a policy decision to action drop all such cases.

3. In the case on hand, except the technical violation of the prohibitory orders, no adverse consequence really ensued. This Court had been consistently holding that unless some adverse consequence ensue, the prosecution under Section 188 of IPC need not be continued.

4. Applying the same logic and taking note of the policy decision of the Government, the impugned FIR is quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Kanniyakumari Police Station,
Kanniyakumari District.

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

+1 CC to M/s.L. SHAJI CHELLAN, Advocate (SR-35223[F] dated 19/11/2021)

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KS(CO)
TR(19.11.2021) 2P 4C