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CRL.O.P.(MD)NO. 18431 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.18431 of 2021 and

CRL.M.P.(MD)No.10152 of 2021

Nishath

... Petitioner / Sole Accused

Vs.

State of Tamil Nadu,
Rep. By the Sub Inspector of Police,
Ethamozhi police station,
Kanyakumari District.
(Crime No.149 of 2020)

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in First Information Report in Crime No.149 of 2020 on the file of the Sub Inspector of Police, Ethamozhi police station, Kanyakumari District and quash the same as against the petitioner / accused.

For Petitioner : Mr.K.Vamanan
For Respondent : Mr.T.Senthil Kumar,
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 is shown as accused in Crime No.149 of 2020 registered on the file of the respondent for the offences under Sections 188 and 269 of I.P.C. and Section 3 of Epidemic Diseases Act, 1897 and Section 51(b) of Disaster Management Act, 2005.

3. The learned counsel appearing for the petitioner states that during the lock down, in order to purchase some basic provisions, the petitioner had gone out in his two wheeler. I went through the contents of the First Information Report. Even according to the respondent, the only allegation against the petitioner is that he was found roaming in a two wheeler.

4. The case on hand is squarely covered by the Order dated 01.10.2021 made in Cr.O.P.(MD)No.14795 of 2021. On account of the activities of the petitioner, no adverse consequences have ensued. The Government of Tamil Nadu has also taken a policy decision to drop all the prosecutions arising out of breach of prohibitory



orders issued during the pandemic period. In view of the same, continuance of the impugned prosecution will only amount to abuse of legal process. Therefore, the impugned First Information Report is quashed. The criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CRL)

// 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 Sub Inspector of Police,
Ethamozhi police station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD)No.18431 of 2021
24.11.2021

_RD(04.12.2021) 2P 3C