



WEB COPY

Crl.O.P.(MD)No.20145 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20145 of 2021

and

Crl.M.P. (MD)No.11359 of 2021

Rajasekar

... Petitioner / Sole Accused

Vs

State of Tamilnadu,
Rep. by the Sub Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
(Crime No.319/2020)

... Respondent / Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the proceedings in First Information Report in Crime No.319 of 2020 on the file of the Sub Inspector of Police, Kalugumalai Police Station, Thoothukudi District and quash the same as against the petitioner/accused.

For Petitioner : Mr.D.Srinivasaragavan

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

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

2.On 17.06.2020, the petitioner was found roaming in violation of the lockdown restrictions. He was also not wearing any mask. Therefore, the impugned FIR came to be registered for the offences under Sections 269 and 188 of IPC. To quash the same, this criminal original petition has been filed.

3. It has been already held in many decisions that a police office cannot register a case for the offence under Section 188 of IPC. There is nothing on record to show that the petitioner had contributed to the spread of the disease. Since no adverse consequence ensued, the continuation of the impugned prosecution is not justified. The impugned FIR is quashed. This Criminal Original



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Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// 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 Sub Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-39422[F] dated 17/12/2021)

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RD(30.12.2021) 2P 4C