



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.19774 of 2021

Kumar

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Kootampatti Police Station,
Madurai District.
(Crime No.638 of 2020)

2.R.Palaniappan

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records and quash the FIR in Crime No.638 of 2020 dated 05.08.2020 on the file of the 1st respondent police.

For Petitioner : Mr.C.Gunasekaran
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

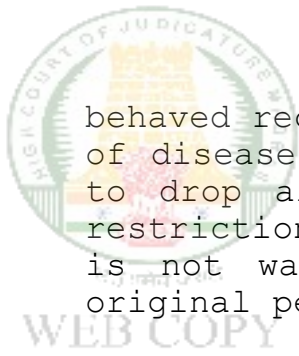
O R D E R

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

2.This criminal original petition has been filed to quash the impugned FIR in Crime No.638 of 2020 registered on the file of the first respondent for the offences under Sections 188 and 269 of IPC.

3.The only allegation made against the petitioner is that he was found roaming in his two wheeler without wearing any mask. It is not case of the respondents that any adverse consequence ensued.

4.The learned counsel for the petitioner drew my attention to the decision reported in **2018(2) L.W (Cr1.)606 (In Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another)**, wherein it was held that a police officer cannot register an FIR for any of the offences falling under Sections 177 to 188 of IPC. The case on hand is governed by the said decision. The petitioner might have



behaved recklessly but he has not actually contributed to the spread of disease. I am also told that the Government has taken a policy to drop all cases registered in the wake of breach of lockdown restrictions. In any event, continuance of the impugned prosecution is not warranted. The impugned FIR is quashed. The criminal original petition is allowed.

Sd/-

Assistant Registrar (W)

// 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,
Kottampatti Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.GUNASEKARAN, Advocate (SR-38724[F] dated 15/12/2021)
Crl.O.P(MD)No.19774 of 2021
13.12.2021

AM(CO)

GC(27.12.2021) 2P 4C