



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.20296 of 2021

and

Crl.M.P. (MD)No.11518 of 2021

Rajkumar

... Petitioner / Accused No.1

Vs

1.State represented by
The Inspector of Police,
Samayanallur Police Station,
Madurai District,
(Crime No.629/2020)

... 1st Respondent / Complainant

2.Uthayakumar
Special Sub Inspector of Police,
Samayanallur Police Station,
Madurai District.

... 2nd Respondent /
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the impugned FIR registered in Crime No.629 of 2020 dated 16.05.2020 on the file of the first respondent, quash the same insofar as the petitioner/1st accused is concerned.

For Petitioner : Mr.V.Janakiramulu
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

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

2. On 16.05.2020 at around noon, the petitioner was found roaming in violation of the lockdown restrictions. Hence, Crime No.629 of 2020 was registered on the file of the Samayanallur Police Station for the offences under Sections 188 and 269 of IPC r/w Section 3 of Epidemic Diseases Act, 1897.

3. The respondents could not have registered the FIR for the offence under Section 188 of IPC or under Section 3 of Epidemic Diseases Act, 1897. There is also nothing on record to show that



the petitioner contributed to the spread of disease. Since no adverse consequence ensued, the continuation of the impugned prosecution is not warranted. The impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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

+1 CC to M/s.A.SIVAPRABHAKARAN, Advocate (SR-39366[F]
dated 17/12/2021)

Crl.O.P (MD)No.20296 of 2021
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NSN(CO)
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