



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20026 of 2021

A.Raymand Valan

... Petitioner/Sole Accused

Vs

1.State through the Inspector of Police,
Sayerpuram Police Station,
Thoothukudi.
(Crime No.45/2020)

...1st respondent/Complainant

2.S.Palani
Sub Inspector of Police,
Sayerpuram Police Station,
Tuticorin.

... 2nd Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in Crime No.45 of 2020 on the file of the Inspector of Police, Sayerpuram Police Station, Tuticorin, Tuticorin District and quash the FIR in Crime No.45 of 2020 on the file of the Inspector of Police, Sayerpuram Police Station, Tuticorin, Tuticorin District against the petitioner/accused.

For Petitioner : Mr.KA.Raamakrishnan

For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

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

2. The petitioner was found roaming in a two wheeler on 01.04.2020 in the evening hours. He was also not wearing any mask. Hence, the second respondent lodged information with the first respondent leading to registration of Crime No.45 of 2020 for the offences under Sections 188 & 269 of IPC. To quash the same, this Criminal Original Petition has been filed.

3. As held in ***Jeevanandham and others Vs. State 2018 2 Law Weekly Crl. 606***, the first respondent could not have registered FIR for the offence under Section 188 of IPC. Though the petitioner had technically breached the lock down restrictions, he had not contributed to the spread of the disease. The impugned prosecution



is clearly unwarranted. The respondents could have let off the petitioner with a simple warning. The impugned FIR is quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AS)

WEB COPY

// True Copy //

/ /2022

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,
Sayerpuram Police Station,
Thoothukudi.
- 2.The Sub Inspector of Police,
Sayerpuram Police Station,
Tuticorin.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-39326[F] dated 17/12/2021)

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RK(10/01/2021) 2P 5C