



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.20186 of 2021

and

CrI.M.P. (MD)No.11421 of 2021

Godwyn

... Petitioner / Sole Accused

Vs

1.The State rep. by

The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

(Crime No.244 of 2020)

... Respondent / Complainant

2.Daniel Arul Sekar

Special Sub Inspector of Police,
Anjugramam,
Kanyakumari District.

... Respondent / Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the entire records pertaining to FIR in Crime No.244 of 2020 pending on the file of the Inspector of Police, Anjugramam Police Station, Kanyakumari District and quash the same.

For Petitioner

: Mr.B.Micheal Sebastin

For Respondents

: Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor

ORDER

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

2. On 21.04.2020 at around noon, the petitioner was found standing with his two wheeler in a public place in violation of the lockdown restrictions.

3. The case of the prosecution is that even though the petitioner was warned, he did not leave the place. Hence, Crime No.244 of 2020 was registered against the petitioner for the offences under Sections 188 & 269 of IPC r/w Section 3 of Epidemic Diseases Act and Section 51(b) of Disaster Management Act, 2005.



4. The respondents could not have registered the FIR for the offence under Section 188 of IPC. As regards the other provisions, there is nothing to show that on account of the petitioner's conduct, the disease actually spread.

5. Since no adverse consequence ensued, the continuance 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 (A.E.)

// True Copy //

21/12/2021

Sub Assistant Registrar (CS II)

rmi

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

+1 CC TO MR. B.MICHEAL SEBASTIN, ADVOCATE SR:39333

USK

21/12/2021

2P/5C

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