



WEB COPY

Crl.O.P.(MD)No.20715 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20715 of 2021

and

Crl.M.P. (MD)No.11805 of 2021

M.Sakthivel

... Petitioner / Sole Accused

Vs

The State of Tamil Nadu rep. by
The Sub Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.1192 of 2020)

... Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to FIR in Crime no.1192 of 2020 on the file of the respondent and quash the same as against the petitioner.

For Petitioner : Mr.N.kamesh

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

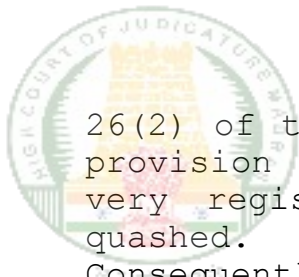
ORDER

Heard the learned counsel on either side.

2. The impugned FIR has been registered for the offence under Section 188 of IPC on the ground that the petitioner violated the lock down restriction on 08.07.2020.

3. It is well settled that the police cannot straight away register an FIR for the offence under Section 188 of IPC. It was so held in Jeevanandham Vs. State (2018 2 Law Weekly Crl. 606). In the copy of the complaint, there is a reference to Sections 25(2) (a) and

<https://hcservices.ecourts.gov.in/hcservices/>



26(2) of the Disaster Management Act, 2005. A reading of the said provision would indicate that they are not penal provisions. The very registration of the impugned FIR is illegal. It stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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

CrI.O.P (MD)No.20715 of 2021
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MGJ(10.01.2022) 2P 3C