



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.20650 of 2021
and
Crl.M.P.(MD)No.11755 of 2021

V.Selvam ... Petitioner/Sole Accused

Vs.

The Sub Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
(Crime No.226 of 2020)

... Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to First Information Report in Crime No.226 of 2020 on the file of the respondent police and to quash the same.

For Petitioner : Mr.G.Chandrasekar

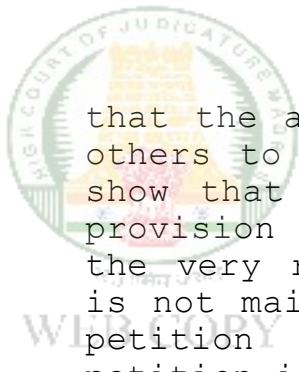
For Respondent : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor.

ORDER

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

2.This criminal original petition has been filed to quash the FIR in Crime No.226 of 2020 registered on the file of the respondent for the offences under Sections 188 and 270 of IPC, Section 3 of Epidemic Diseases Act, 1897 and Section 134 of Tamilnadu Public Health Act, 1939.

3.As rightly pointed out by the learned counsel for the petitioner, for the offences under Section 188 of IPC and Section 3 of Epidemic Diseases Act, 1897, an FIR could not have been registered by the respondent police straightaway. It is not the case of the respondent that the petitioner was suffering from Covid-19 disease or that he spread the infection. Therefore, Section 270 of IPC also could not have been invoked. For invoking Section 134 of Tamilnadu Public Health Act, 1939, it must be shown



that the accused was suffering from infection and that he exposed others to it. In this case, when there is nothing on record to show that the petitioner was suffering from infection, the said provision could not have been invoked. Looked at from any angle, the very registration of the impugned FIR against the petitioner is not maintainable. It stands quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

23/12/2021

Sub Assistant Registrar (CS-IV)

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

+1 CC to M/s.G.CHANDRASEKAR, Advocate (SR-40029[F] dated 22/12/2021)

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22.12.2021

USK (23.12.2021) 2P 4C