



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.20623 of 2021

Benetson @ Venish Penetson

... Petitioner/Sole Accused

Vs.

The Sub Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanniyakumari District.
(In Crime No.168 of 2020)

... Respondent/Complainat

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.168 of 2020 on the file of the respondent police and to quash the same.

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

O R D E R

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

2.The case of the prosecution is that on 24.03.2020 at around 06.00 pm, in clear violations of lockdown restrictions, the petitioner was roaming in his two wheeler. Based on the information of local police, Crime No.168 of 2020 was registered for the offences under Sections 188 and 269 of IPC, Section 51(b) of Disaster Management Act, 2005 and Section 3 of Epidemic Diseases Act, 1897.

3.It is well settled that the respondent police could not have registered any FIR for the offences under Section 188 of IPC and Section 3 Epidemic Diseases Act, 1897. The FIR has also been registered for the offence under Section 269 of IPC and Section 51 (b) of Disaster Management Act, 2005. In the case on hand, the petitioner was not suffering from any infectious disease. He did not contribute to its spread. That apart, this Court can take judicial notice of the fact that only on 24.03.2020, lockdown was announced.

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



4.Looked at from any angle, the very registration of the FIR was clearly incorrect. The impugned FIR is quashed and the criminal original petition is allowed.

Sd/-

Assistant Registrar (CS-II)

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// 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:

The Sub Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanniyakumari District.

Copy to

The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-40137[F] dated 23/12/2021)

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SK(CO)

AP(12.01.2022) 2P 4C