



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.20646 of 2021

Jaslie @ Jasline

... Petitioner / Accused No.1

Vs

1.The State:-

Rep. by the Sub Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.151/2020.)

... 1st Respondent/Complainant

2.M.Amaladhas

Special Sub Inspector of Police,
Karungal Police Station,
kanyakumari District.

... 2nd Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in Crime No.151 of 2020 on the file of the respondent police and quash the same against the first accused.

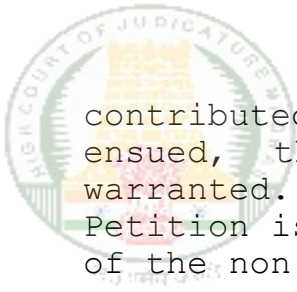
For Petitioner : Mr.R.Russel Raj
For Respondent No.1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

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

2.The case of the prosecution is that on 10.04.2020, the petitioner was found roaming in two wheeler in violation of the lock down restrictions. Hence, Crime No.151 of 2020 was registered for the offences under Sections 188 and 296 of IPC r/w Section 3 of Epidemic Disease Act, 1897 and 51(b) of Disaster Management Act, 2005.

3. The respondents could not have registered the FIR for the offence under Section 188 of IPC or under Section 3 of Epidemic Diseases Act, 1897 and 51(b) of Disaster Management Act, 2005. There is also nothing on record to show that the petitioner had



contributed to the spread of disease. Since no adverse consequence ensued, the continuation of the impugned prosecution is not warranted. The impugned FIR is quashed. This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non petitioning accused also.

Sd/-

Assistant Registrar (AS)

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

Crl.O.P (MD)No.20646 of 2021
23.12.2021

AC (CO)
GC (25.01.2022) 2P 3C