



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.20878 of 2021 and

Crl.M.P.(MD)No.11978 of 2021

WEB COPY

Muthukumar

... Petitioner/Sole Accused

Vs.

1.State represented by
The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
(Crime No.277 of 2021).

... 1st Respondent/Complainant

2.T.Jeyasankar

... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Crime No.277 of 2021 on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.M.Prabhu
For Respondents : Mr.M.Sakthi Kumar,
Govt.Advocate (Crl. Side) for R1.

O R D E R

This criminal original petition has been filed to quash the impugned FIR in Crime No.277 of 2021 registered on the file of V.K.Puram Police Station.

2.The case of the prosecution is that on 21.05.2021, in violation of the lockdown restrictions, the petitioner was found roaming in his two wheeler. It is not the case of the prosecution that the petitioner was suffering from any infectious disease. Only if a person knowingly spreads infectious disease, Section 269 of IPC can be attracted. In the case on hand, neither of the ingredients are present. Therefore, the very registration of the FIR is not proper. It stands quashed. This criminal original petition is allowed.Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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 Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD) No.20878 of 2021
23.12.2021

USK (23.12.2021) 2P 3C