



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.4530 of 2022

Selvakumar

... Petitioner

Vs.

The State of Tamil Nadu,
Rep by The Sub Inspector of Police,
D1 Chengalpattu Town Police Station,
Chengalpattu - 603 001.
(Crime No.2628/2020).

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to call for the records relating to FIR in Crime No.2628 of 2020 dated 23.06.2020 on the file of the Sub Inspector of Police, D1 Chengalpattu Town Police Station, Chengalpattu District and quash the same.

For Petitioner : Mr.P.Arun Kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

This petition has been filed seeking to quash the FIR in Crime No.2628 of 2020 dated 23.06.2020 on the file of the Sub Inspector of Police, D1 Chengalpattu Town Police Station, Chengalpattu District.

2. The case of the respondent/defacto complainant is that on 26.03.2020, the petitioner was found roaming in his motor cycle bearing Registration No.TN 19 K 1670 breaching the restrictions imposed by the Central and State Government on account of Covid - 19 pandemic.

3.The learned counsel for the petitioner would submit



that the petitioner on 23.06.2020 gone out to purchase the medicine for his wife and she was six months pregnant. The respondent without conducting the proper enquiry has registered the case against the petitioner for the offence under Section 188 of IPC. The case of the petitioner is squarely covered by the judgment of this Court in 2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in the case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P (MD) No.7922 of 2019 dated 30.08.2019.

4.The learned Additional Public Prosecutor would submit that the petitioner was found roaming around in his motor cycle in breach of restrictions imposed by the Central and State Government. He would further submit that the case is squarely covered under the judgment of 2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018 and in the case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P (MD) No.7922 of 2019 dated 30.08.2019.

5. With the above direction, this Criminal Original Petition is allowed by quashing the FIR in Crime No.2628 of 2020 dated 23.06.2020 on the file of the Sub Inspector of Police, D1 Chengalpattu Town Police Station, Chengalpattu.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Sub Inspector of Police,
D1 Chengalpattu Town Police Station,
Chengalpattu - 603 001.

2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4530 of 2022

SPD(CO)
SU(17/03/2022)