



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.3180 of 2022

Saravanan

...Petitioner/Accused

-Vs-

The State,
The Inspector of Police,
R.K.Pet Police Station,
Tiruvallur District.

..Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for records pertaining to the First Information Report in Crime No.414 of 2021 on the file of the Inspector of Police, R.K.Pet Police Station, Tiruvallur District and quash the same.

For Petitioner : Mr.G.Pavendhan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed seeking to call for records pertaining to the First Information Report in Crime No.414 of 2021 on the file of the Inspector of Police, R.K.Pet Police Station, Tiruvallur District and quash the same.

2. The respondent has raised a case against the petitioner for the offence under Section 188 of IPC r/w Section 51 of Disaster Management Act, 2005. The allegations against the petitioner is that on 03.06.2021 at about 12.00 hours, the Sub-Inspector of Police accompanied with two other policemen were on patrol duty to see whether anyone was violating the Section 144 Cr.P.C issued by the Central and State Government to prevent the spread of the Corona. Based on the complaint given by the Sub-Inspector of Police registered a case in Crime No.414 of 2021 for the offence punishable under Section 188 IPC r/w Section 51 of Disaster Management Act, 2005.



3. The learned counsel for the petitioner would submit that the respondent had registered a case for the offence under Section 188 of IPC r/w Section 51 of Disaster Management Act, 2005.

4. The learned counsel appearing for the petitioner would submit that the facts of the case are similar to the case covered in the decision reported 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.

5. The learned Additional Public Prosecutor would submit that the petitioner was found loitering on 03.06.2021 at 12.00hrs, in defiance the SOP issued by the Central and State Government. He would submit that the facts of this case are covered under the Judgment referred to above.

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

7. The facts of this case is covered by the Judgment of this Court reported 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 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. Accordingly, the proceedings in Crime No. 414 of 2021 dated 03.06.2021 on the file of the respondent R.K.Pet Police Station, Tiruvallur District is hereby quashed and the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1.The Inspector of Police,R.K.Pet Police Station,
Tiruvallur District.

2.The Public Prosecutor,High Court, Madras.

+1 cc to Mr.G.Pavendhan, Advocate Sr.NO. 9283

Crl.O.P.No.3180 of 2022

PCH(CO)

A.SK(04/03/2022)