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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 4.3.2022.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Original Petition No.4272 of 2022  
and  
Crl.M.P.No.2135 of 2022

Mari

Petitioner

vs.

1. State of Tamil Nadu rep. by its  
The Inspector of Police,  
C-2, Sunguvarchatram Police Station,  
Sriperumbudur, Kancheepuram.  
Crime No.147 of 2020

2. D.Kannagi  
Sub Inspector of Police,  
C-2, Sunguvarchatram Police Station,  
Sriperumbudur, Kancheepuram.

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records comprised in FIR in Crime No.147 of 2020 pending on the file of the Inspector of Police, C2, Sunguvarchatram Police Station, Sriperumbudur, Kancheepuram, the first respondent herein and quash the same against the petitioner/accused.

For Petitioner : Mr.M.Vimal Bobby Crimson

For Respondents: Mr.A.Gokulakrishnan, APP

ORDER

Seeking to quash the FIR in Crime No.147 of 2020 pending on the file of the first respondent against the petition, the present Criminal Original Petition has been filed.

2. The allegation against the petitioner is that on 28.3.2020, at about 9.45 am, when the second respondent was on duty near Sunguvarchathiram Bazaar, in prevention of unwanted



movement of public and vehicles during the pandemic situation as directed by Governments of both Central and State, the petitioner was riding his two wheeler in high speed and roaming in the locality likely to get affected with spread the Corona virus and to spread the same to others and thereby he was arrested and a case in Crime No.147 of 2020 for the offences punishable under Sections 269, 270 and 279 IPC was filed.

3. Learned counsel appearing for the petitioner would submit that the accused hails from a poor family background and he is an Electrician by profession having blessed with a new born baby and on the fateful day, at about 9.30 am, he had been at the Bazaar only to procure the basic requirements like groceries, however, he was intercepted by the second respondent and without considering the fact that the lock down was relaxed during 6.00 to 10.00 am for the public to procure their essential requirements, the case has been foisted in a mechanical manner. He would further submit that for his livelihood, he has got an onsite overseas employment opportunity and though he had made preliminary arrangements, he could not avail the passport clearance due to pendency of the FIR and thereby he craves indulgence of this court.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor and perused the materials produced by the petitioner in support of his contention.

5. A perusal of the materials available on record reveals that the FIR has been registered in a mechanical manner without any ingredients against the petitioner and without considering the genuineness of the case of the petitioner. That being a weekend viz., a Saturday on 28.3.2020 that too in the morning hours during a small break provided amidst the pandemic restrictions to enable the public to procure their basic requirements. The contents of the FIR also reveals that the petitioner has not acted in any wrongful manner warranting registration of a case against him. Further, the materials produced by the petitioner with regard to the offer for his employment speaks about the genuineness in the case of the petitioner.

6. It cannot be disputed that the idea behind the pandemic restrictions can only to save human lives from hazardous infections and it cannot be permitted to mend the fire and to ruin the life of a sole bread winner of a family under the guise of preventive arrest and continuance of prosecution eternally.



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7. Therefore, this court is of the view that the FIR is liable to be quashed forthwith. Accordingly, it is quashed. The Criminal Original Petition is allowed. The connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

ssk.

To

1. The Inspector of Police,  
C-2, Sunguvarchatram Police Station,  
Sriperumbudur, Kancheepuram.
2. The Additional Public Prosecutor,  
High Court, Madras.

+1cc to Mr.Vimal Bobby Crimson, Advocate SR.No.14997

Crl. O.P. No.4272 of 2022  
and  
Crl.M.P.No.2135 of 2022

NRL(CO)  
CB(11/03/2022)