



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 15.3.2022.

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

Crl. O.P.Nos.5812, 5816 and 5847 of 2022
and
Crl.M.P.Nos.3193, 3198 and 3230 of 2022

P.Ganesan ...Petitioner in all 3 cases
vs.

1. The State
rep. by the Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur. ... R1 in all 3 cases

P.Pannerselvam
The Sub Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur. R2 in Crl.O.P.Nos.
5812 & 5816/2022

Rajasekaran
The Special Sub Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur. ... R2 in Crl.O.P.No.
5847/2022

Criminal Original Petitions filed under Section 482 Cr.P.C.
to call for the entire records comprised in FIR in Crime Nos.277
of 2020, 306 of 2020 and 557 of 2020 pending on the file of the
Inspector of Police, Kamanaickenpalayam Police Station,
Tiruppur, and quash the same.

For Petitioner : Mr.J.Kingsly Solomon

For R1 : Mr.A.Gokulakrishnan, APP

COMMON ORDER

Seeking to quash the FIR in Crime Nos.277 of 2020, 306 of
2020 and 557 of 2020 pending on the file of the Inspector of



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respondent police with regard to parking of vehicles outside his house.

v) The pendency of the FIRs lodged in a casual way stand in the way of his betterment in life and also as a hindrance in the passport clearance and therefore, prays for quashment of all the three FIRs.

4. The learned counsel for the petitioner would rely on the decision of this court in Sarath alias Sarathkumar vs. State rep. by the Inspector of Police in CrI.O.P.(MD) NO.13652 of 2021 dated 16.9.2021 and S.Sarunraj vs. Inspector of Police reported in 2021 SCC Online Mad. 6046 in support of his contention.

5. 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.

6. It is seen that in the decisions relied on by the learned counsel for the petitioner, this court, in similar situation, has observed that a mere warning alone ought to have been made and the non-intentional outing should not be taken seriously especially when the Government had also proposed to drop all such cases. The FIRs in the cases on hand had been filed in April 2020 itself, however, they have been kept pending for about two years without any useful purpose, rather to freeze the normalcy of the petitioner by causing unnecessary mental agony to him.

7. The offences alleged against the petitioner are punishable under Sections 269 and 270 IPC, which read as under:-

"269. Negligent act likely to spread infection of disease dangerous to life.—Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

270. Malignant act likely to spread infection of disease dangerous to life.—Whoever malignantly does any act which is, and which he knows or has reason the believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."s



8. There is nothing on record to show that the petitioner was infected with covid or was suffering from any contagious disease. There is also nothing to show that he had intentionally or negligently did any act so as to spread infection to any other person. Therefore, the offences punishable under Sections 269 and 270 IPC cannot be sustained.

9. While the documentary proof submitted by the petitioner evidencing his approach for passport clearance with regard to his overseas employment opportunity and the reply thereon from the authorities concerned calling for his explanation about the cases pending against him would prove the genuineness of the case of the petitioner, the inaction on the part of the respondent police in giving a quietus to the issue when almost two years are going to lapse from the date of filing of FIR, especially, when this court, in various cases, has dealt with a similar issue and quashed the FIRs, raises a suspicion of intention on the part of the respondent police in leaving the petitioner in lurch to wreak vengeance for the altercation he had with them.

10. In fine, this court is of the view that the impugned FIRs are liable to be quashed forthwith. Accordingly, they are quashed. The Criminal Original Petitions are allowed. The connected Criminal Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

ssk.

To

1. The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur.



2. The Public Prosecutor,
High Court, Madras.

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+3ccs to Kingsly Solomon J., Advocate Sr. Nos.17515, 17516, 17517

Cr1. O.P.Nos.5812, 5816 & 5847 of 2022
and

Cr1.M.P.Nos.3193, 3198 & 3230 of 2022

ad[co]
srg 05/04/2022