



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.6449 OF 2022

AND

CRL.M.P.NOS.3613 & 3614 OF 2022

- 1.Tamilselvan
- 2.Perumal
- 3.Saranya
- 4.Kasthuri

... Petitioners/A1 to A4

Vs.

1. The State rep by
The Inspector of Police,
Erode North Police Station,
Erode District.

2. S.John

... Respondents

PRAYER: The Criminal Revision Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to S.T.C.No.2546 of 2021 on the file of the Judicial Magistrate No.I, Erode and quash the same.

For Petitioners : Mr.S.Shankar

For Respondents : Mr. A.Gokulakrishnan
Additional Public Prosecutor for R1
No appearance for R2

O R D E R

This Criminal Original Petition has been filed to call for the records relating to S.T.C.No.2546 of 2021 on the file of the Judicial Magistrate No.I, Erode and quash the same.



2.The case of the prosecution as per the charge sheet, on 06.05.2020 at about 6 hours, the accused had protested against opening of the Tasmac liquor shop during the Covid-19 pandemic period and they hoisted Black Flag in front of the 1st petitioner house and that they have also assembled in violation of the pandemic rules and when the Government Officials have directed them to disperse from the place they prevented them from discharging their duties and also criminally intimidated them.

3.The learned counsel for the petitioners would submit that the petitioners are citizens of India. When they have democratically protested against the opening of the Tasmac liquor shop, the Government Officials have asked them to disperse and accordingly, they have dispersed from the place. There is no materials to show that the petitioners have committed any offence under Section 353 of IPC. Hence, he would seek to quash the proceedings.

4.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the 1st respondent and perused the entire materials available on record.

5.The offences under Sections 270 and 353 IPC are concerned, as per the contents of the First Information Report, it is seen that the petitioners protested in an unlawful manner and shouted slogans during the pandemic period. It is a trivial matter in which no offence of grievous nature is involved. Even though Section 144 Cr.P.C order was in force, during the relevant time the respondent police ought to have warned the petitioners to go in-door, instead of that, they filed a case. It is also not the case of the respondent that at the time of the incident, the petitioners were affected by Covid-19. So the contention that conducting protest during the pandemic period will spread the disease is without any basis.

6.The offence under Section 270 is concerned, it refers to Malignant act likely to spread infection of disease dangerous to life as under:

"Whoever malignantly 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 two years, or with fine, or with both."



"Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

9. Moreover, it is also brought to the notice of this Court that the Government has also intended to drop all these cases, which have been registered during the pandemic period against the public.

Sd/-
Assistant Registrar (CS-VII)

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Inspector of Police,
Erode North Police Station,
Erode District.

3. The Additional Public Prosecutor,
High Court, Chennai.

+1cc to M/s.S.Shankar, Advocate, S.R.No.19326

Crl.O.P.No.6449 of 2022
and Crl.M.P.Nos.3613 & 3614 of 2022

AJS (CO)
RLP(08/04/2022)