



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.06.2022
CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.10322 of 2022
and
CrI.M.P.No. 6123 of 2022

Mr. Ashwathaman,
S/o. Nagendiran

... Petitioner

Versus

1. State : The Inspector of Police,
P3 Vyasarpadi Police Station,
Chennai.

2. G.Purushothaman,
Sub-Inspector of Police,
P3, Vyasarpadi Police Station,
Chennai.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the F.I.R. in Crime No.258 of 2020 dated 23.04.2020 on the file of the Inspector of Police, P3, Vyasarpadi Police Station, Chennai.

For Petitioner : Mr.C.H.Sreekanth for
Mr.M.P.Saravanan

For Respondents : Mr.A.Gokulakrishnan,
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.258 of 2020 for the offences under Sec.188 and 269 of I.P.C.

2. The crux of the allegation in the F.I.R. is that the petitioner, during Covid pandemic, despite prohibitory order, has supplied vegetables and rice to the public, thereby, the F.I.R. has been registered against him for the offence under Sec.188 and 269 of I.P.C.

3. Heard Mr.C.H.Sreekanth, learned counsel appearing for petitioner and the learned Addl. Public Prosecutor appearing for respondents and perused the F.I.R.

4. The offences are under Sec.188 and 269 I.P.C. As far as Sec.188 of I.P.C. is concerned, no courts shall take



cognizance of offence except on a complaint made by a public servant. In fact, it is complaint procedure, the police cannot investigate directly. As far as Sec.269 of I.P.C. is concerned, except the allegation that the petitioner, despite prohibitory order, has supplied rice and vegetables to the public during Covid pandemic, and he has been charged for the alleged offence. It is not the case of prosecution that the petitioner has infected with Covid, thereby his act is amounting to spread the disease. In absence of any such materials that the petitioner is infected with Covid, which will likely to spread to others, and the supply of rice and vegetables to the people, who were infected with covid, the prohibitory order does not constitute an offence.

5. In such view of the matter, no purpose would be served in continuing the F.I.R. Hence, the same is liable to quashed. Accordingly, this Criminal Original Petition is allowed and the F.I.R. in Crime No.258 of 2020 on the file of 1st respondent police is quashed against the petitioner. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Inspector of Police,
P3 Vyasarpadi Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.10322 of 2022

PM(CO)
A.SK(15/06/2022)