



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.10764 of 2020
and Crl.MP.No.4481 of 2020

Samir Kamra ...Petitioner/1st Accused

Vs.

1.State rep. By
Inspector of Police,
Mettupalayam Police Station,
Puducherry - 605 009.
(Cr.No.0099 dated 26.06.2020)
...1st Respondent/Complainant

2.R.Kumaran ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.0099 of 2020 dated 26.06.2020 on the file of the first respondent police and quash the same as illegal.

For Petitioner	:	Mr.R.Prabhakaran
For Respondents	:	
For R1	:	Mr.V.Balamurugane Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.0099 of 2019 dated 26.06.2020 on the file of the first respondent for the offences under Sections 188, 270 of IPC and Section 51(b) of the Disaster Management Act, 2005 and Section 3 of the Epidemic Diseases Act, 1897 as against the petitioner.

2. The case of the prosecution is that the petitioner company was found in manufacturing surgical masks, surgeon caps, bouffant caps, shoe covers and other protective products, which are required for the hospitals and the industries and during Covid Pandemic time the petitioner company was found in manufacturing the above products without following the guidelines issued by the Government to be followed during Covid time, namely employees not wearing masks, not maintaining social distances and employing persons from outside the State of Tamilnadu. The further allegation is



that two of the employees namely Dhanu Marnu and Chandra Purthi who were tested Covid positive, were found missing. It is also alleged that without getting e-pass, AC mechanics namely Prakash, Kannapiran and Rajesh were found staying with some of the employees of the petitioner company from 04.06.2020 to 09.06.2020. Hence, the Crime No.0099 of 2020 was registered on the file of respondent police for the offences under Sections 188, 270 of IPC and Section 51(b) of the Disaster Management Act, 2005 and Section 3 of the Epidemic Diseases Act, 1897 as against the petitioner.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent Police.

4. This Court will not fault the respondent for having registered the impugned First Information Report. But no adverse consequence ensued. It is seen that the Government has taken a policy decision not to pursue the cases registered in the wake of breach of lock down restrictions. In these circumstances, continuance of the impugned prosecution is not warranted.

5. Therefore, the impugned First Information Report is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

cda/dhk

To

1.The Inspector of Police,
Mettupalayam Police Station,
Puducherry - 605 009.

2.The Public Prosecutor,
Madras High Court,
Chennai.

CRL.O.P.No.10764 of 2020

GJ (CO)

PR (05/07/2022)