



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10125 OF 2022

AND

CRL.M.P.NO. 5984 OF 2022

R.Ajith

.. Petitioner/
5th Accused

Versus

1. The State of Tamil Nadu
Rep. by The Inspector of Police
Salem Town Police Station
Salem

... 1st Respondent/Complainant

2.M.Sekar

... 2nd Respondent/
Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the Chargesheet in S.T.C.No.3795 of 2022 pending on the file of Judicial Magistrate No.I, Salem and quash the same as against the petitioner.

For Petitioner : Mr.K.Azhagu Raman

For Respondents: Mr.A.Gokulakrishnan for R1
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the Chargesheet in S.T.C.No.3795 of 2022 pending on the file of Judicial Magistrate No.I, Salem, for the offences under Sections 143 and 269 of I.P.C.



2. The crux of the allegation in the F.I.R. is that the petitioner, during Covid pandemic, on 17.08.2020 he had took part in the protest and had indulged in violating the COVID 19 guidelines. Hence the complaint was registered before the first respondent police in FIR No.767 of 2020 and the same was taken cognizance by the Judicial Magistrate No.I, Salem in S.T.C.No.3795 of 2022.

3. Heard Mr.K.Azhagu Raman, learned counsel appearing for petitioner and the learned Additional Public Prosecutor appearing for first respondent and perused the F.I.R.

4. The offences are under Sec.143 and 269 I.P.C. As far as Sec.143 of I.P.C. is concerned, the materials collected by the prosecution do not show that the accused had shown any criminal force to commit any mischief, crime or any offence or by way of criminal force or tried to take possession of the property or right to use of incorporeal right which is in possession of enjoyment of others or rights. As far as Sec.269 of I.P.C. is concerned, except the allegation that the petitioner has took part in the protest and had indulged in violating COVID 19 guidelines during pandemic, he has been charged for the alleged offence. It is not the case of prosecution that the petitioner has been 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 taking part in the protest, 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 chargesheet. Hence, the same is liable to quashed. Accordingly, this Criminal Original Petition is allowed and the chargesheet S.T.C.No.3795 of 2022 pending on the file of Judicial Magistrate No.I, Salem is quashed against the petitioner. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dhk



To

1. The Judicial Magistrate No.I,
Salem.
2. The Inspector of Police,
Salem Town Police Station,
Salem.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Azhagu Raman, Advocate, S.R.No.38355

CRL.O.P.No.10125 of 2022

GPL (CO)
PM/07/07/2022