



CrI.O.P.No.15277 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CrI.O.P.No.15277 of 2022

Chandru

... Petitioner

Versus

1. The State Rep by
The Sub Inspector of Police,
Puzhal Police Station,
Puzhal, Thiruvallur – 600 066

.. Respondent

PRAYER:Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to Crime No.2351 of 2020 on the file of the respondent herein and quash the same.

For Petitioner : Mr.E.Esakkimuthu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER



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This petition has been filed to quash the First Information Report registered in Crime No.2351 of 2020 on the file of the respondent registered as against the petitioner for the offences under sections 188 and 270 of IPC.

2. The allegation in the First Information Report, on 21.07.2020, while the respondent police was on duty, the petitioner was found wandering around without wearing a face mask spreading Covid infection, despite Sec.144 Cr.P.C. was in force. Thereby, he had committed the offences under Sections 188 and 270 of I.P.C.

3. The learned counsel for the petitioner submitted that the prosecution has been launched with false allegations and even when the entire prosecution case taken as a face value, the same would not constitute any offence and continuing the prosecution is nothing but abuse of process of law. Therefore, submitted that the same may be quashed.



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4. The Learned Additional Public Prosecutor submitted that the accused had violated 144 Cr.P.C. and was found without wearing mask in the public place and thereby, First Information Report has been registered.

5. On perusal of the entire FIR, there is no averments to show that the accused did any act which is likely to spread the infection of any disease dangerous to life. It is also not the case of the prosecution that the accused were already infected with Covid and roaming throughout which would likely to spread infection to the general public. Similarly, as far as 270 of IPC is concerned, it must be established that the accused malignantly acted that would likely to spread the infection of any disease dangerous to life. It is not the case of the prosecution that the accused has acted in such a manner to attract the offences under Section 270 of IPC. Further, police cannot proceed for investigation for the offence under Section 188 IPC it is complaint procedure. Therefore, Court cannot take cognisance for the above offences in view of Section 195 Cr.P.C.

6. Considering the above, this Court is of the view that mere launching of final report by the prosecution itself is not sufficient to reach to the conclusion that



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offences are made out and the materials collected by the prosecution do not support for proving the case and continuing the prosecution on shaky or without any materials is clear abuse of process of law.

7. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.2351 of 2020 against the petitioner on the file of the respondent is quashed.

05.07.2022

dhk

Index : Yes
Internet : Yes
Speaking Order

To

1.The Sub Inspector of Police,
Puzhal Police Station,
Puzhal, Thiruvallur – 600 066

2. The Public Prosecutor,
High Court of Madras.



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N.SATHISH KUMAR, J.

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