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Crl.OP.No.31502 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31502 of 2022

R.Karthick

... Petitioner

Vs.

The State

Represented by the Inspector of Police,
F1 Chintadripet Police Station,
Chennai.

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records to the Crime No.320 of 2021 on the file of the respondent Police and quash the same.

For Petitioner : Mr.T.Johnalexander

For Respondent : Mr.S.Santhosh
Government Advocate(Criminal side)

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.320 of 2021 on the file of the respondent Police and quash the same.



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2.The learned counsel for the petitioner submitted that petitioner is law graduate and waiting for his enrollment. The case against the petitioner was registered under Section 269 I.P.C. for violating 144 Cr.P.C. regulation during the Covid-19 period. It is alleged that on 26.05.2021 at about 7.30 a.m., petitioner was found violating the prohibitory order when Police was engaged in vehicle check.

3.However, the reading of the First Information Report shows that there is no specific information about whether petitioner was also riding a vehicle and in what way he was responsible for the spread of Corona disease. First Information Report was registered only under Section 269 I.P.C. In Crl.O.P.No.21424 of 2021, it was brought to the notice of the Court that Government was taking steps to drop the cases which have been registered against the public during the pandemic period.

Section 269 I.P.C. reads as follows:-

269. Negligent act likely to spread infection of disease danger-



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ous to life.—Whoever unlawfully or negligently 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 six months, or with fine, or with both.

4.Considering the nature of the allegations and that there are no specific allegations against the petitioner as to what way he was negligently responsible for the spread of infectious disease, this Court is of the view that further investigation of this case is no way helpful to anyone, rather, it would affect the future of the petitioner who is a law graduate and waiting for his enrollment. In this view of the matter, this petition is allowed and proceedings in Crime No.320 of 2021 on the file of the respondent Police is quashed.

5.Accordingly, this Criminal Original Petition is allowed.

21.12.2022

Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

ep

To

- 1.The Inspector of Police,
F1, Chintadripet Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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