



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1649 of 2022

and Crl.M.P.(MD)No.1193 of 2022

J.Jaison

... Petitioner/Sole Accused

Vs.

The State rep by
The Sub-Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.496 of 2020)

... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.496 of 2020, dated 10.12.2020 on the file of the respondent police and to quash the same.

For Petitioner : Mr.K.Sudalaiyandi

For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

2.The case of the prosecution is that on 10.12.2020, the petitioner was engaged in selling of tea in violation of the lock down restrictions. Hence, the impugned First Information Report was registered for the offences under Sections 188, 269 and 270 of IPC. The respondent could not have straight away registered the FIR for the offence under Section 188 of IPC. This position was authoritatively laid down in **Jeevanandham and others Vs. State 2018 2 Law Weekly Crl. 606**. The petitioner was not suffering from any infectious disease. Nor he contributed to its spread. Therefore, the other IPC offences are also not maintainable. Looked at from any angle, the registration of the First Information Report is bad in law. It stands quashed. This



Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

sjj

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Sub-Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-3312[F] dated 01/02/2022)

Crl.O.P(MD)No.1649 of 2022

and

Crl.M.P. (MD)No.1193 of 2022

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MGJ(16.02.2022) 2P 4C