



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.768 of 2022

Arunkumar ... Petitioner / Sole Accused

Vs.

1. The State of Tamil Nadu,
Rep. By the Inspector of Police,
Kalaiyarkovil police station,
Sivagangai District.
(Crime No.109 of 2020) ... 1st Respondent/Complainant

2. Kodeeswaran,
Sub Inspector of Police,
Kalaiyarkovil police station,
Sivagangai District. ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned First Information Report in Crime No.109 of 2020 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.A.Mohan
For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

2. This criminal original original petition has been filed to quash the impugned First Information Report that was registered for the offences under Sections 188 and 269 of I.P.C.

3. The case of the prosecution is that on 03.04.2020, the petitioner was found roaming in a two wheeler in violation of the lock down restrictions.



4. The respondent police could not have registered the First Information Report for the offence under Section 188 of I.P.C. The petitioner was not suffering from any infectious disease, nor he contributed to its spread. Therefore, Section 269 of I.P.C. also could not have been invoked. No adverse consequences have ensued, as a result of the petitioner's conduct. Therefore, the impugned First Information Report is quashed.

5. This criminal original petition is allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

20/01/2022

Sub Assistant Registrar (CS-IV)

PMU

Note: 1. 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 Inspector of Police,
Kalaiyarkovil police station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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12.01.2022

USK/20.01.2022/2P/3C