



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.671 of 2022
and
CRL.M.P. (MD)No.480 of 2022

Subash ... Petitioner / Sole Accused
Vs.

1. State rep. By,
The Inspector of Police,
V.K.Puram police station,
Tirunelveli District.
(Crime No.153 of 2020) ... 1st Respondent / Complainant
2. T.Jeyasankar,
Sub Inspector of Police,
V.K.Puram police station,
Tirunelveli 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.153 of 2020 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.M.Prabu,Advocate

For 1st Respondent : 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 21.04.2020, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Inspector of Police,
V.K.Puram police station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.671 of 2022
12.01.2022

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