



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1194 of 2022

and

Crl.M.P. (MD)No.858 of 2022

1.Sundar Selvan
2.Muthunadan
3.Esakkimuthu
4.Ramar Selvan
5.Kanagaraj
6.Esakkimuthu
7.Kulasekarapandian
8.Mariappan
9.Ramesh

... Petitioners

Vs.

1.State through by
The Inspector of Police,
Pavoorchadram Police Station,
Tenkasi District.
(Crime No.316 of 2021)

2.Vinayagam,
The Village Administrative Officer,
Kallurani,
Tenkasi District.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Crime No.316 of 2021 dated 24.07.2021 on the file of the 1st respondent police and quash the same as against the petitioners.

For Petitioners : Mr.B.Anandan
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioners are figuring as accused in Crime No.316 of 2021 registered on the file of Pavoorchatram Police Station for the offences under Sections 143, 188, 269, 270 and 297 of IPC and

<https://hcservices.ecourts.gov.in/hcservices/>



Section 3 of Epidemic Diseases Act, 1897 and Section 3-A of Tamilnadu Town Nuisance Act, 1889.

3.The case of the prosecution is that in violation of the lockdown restrictions on 23.07.2021, the villagers in question conducted the temple festival. I would not fault the respondents for registering the impugned FIR. But then no adverse consequence ensued. It is not the case of the prosecution that the accused were suffering from any infectious disease or they contributed to its spread. In this view of the matter, continuance of the impugned prosecution is not warranted. The impugned prosecution is quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Pavoorchadram Police Station,
Tenkasi District.
- 2.The Village Administrative Officer,
Kallurani,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KMV(CO)
TR(08.02.2022) 2P 4C