



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.1007 of 2022
and
CrI.M.P. (MD)No.713 of 2022

Vettaiyan ... Petitioner/ Accused No.1
Vs.

1.State rep. by
The Inspector of Police,
Thirunagar Police Station,
Madurai City.
(Crime No.55 of 2021) ... Respondent/Complainant

2.C.Pandiyarajan ... Respondent/ Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.55 of 2021 on the file of the 1st respondent and quash the same as illegal as against the petitioner/Accused No.1.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (CrI. Side) for R1.

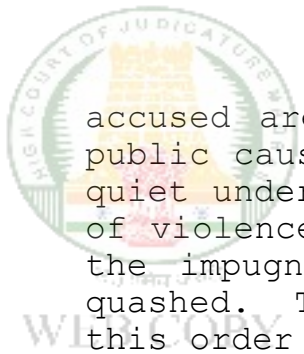
O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) for the first respondent.

2.This criminal original petition has been filed to quash the impugned FIR in Crime No.55 of 2021 registered on the file of the first respondent for the offences under Sections 151, 341 and 270 of IPC and Section 3 of Epidemic Diseases Act, 1897.

3.The case of the prosecution is that the accused assembled in public place without getting prior permission and conducted an agitation in violation of the lockdown restrictions. The prosecution would further allege that social distancing norms were not followed.

4.It is not the case of the prosecution that the accused suffered from any infectious disease or contributed its spread. The
<https://hcservices.ecourts.gov.in/hcservices/>



accused are members of a political party and they had taken up a public cause. In a democratic society, conducting such agitation is quiet understandable. Since the accused did not indulge in any act of violence and since no adverse consequence ensued, continuance of the impugned prosecution is not warranted. The impugned FIR is quashed. The criminal original petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// 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,
Thirunagar Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.1007 of 2022
21.01.2022

RD(09.02.2022) 2P 3C