



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.407 of 2022 and

CRL.M.P.(MD)No.313 of 2022

Kilayance Ragul @ Clains Rahul

... Petitioner / Sole Accused

Vs.

The State rep. By,
The Inspector of Police,
Kottar police station,
Kanyakumari District.
(Crime No.366 of 2020)

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in pursuant to the FIR in Crime No.366 of 2020 on the file of the respondent dated 11.04.2020 and quash the same.

For Petitioner : Mr.S.Veluchamy

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

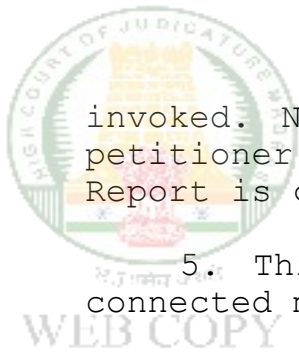
O R D E R

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 270 and 188 of I.P.C. and Section 3 of the Epidemic Diseases Act 1897 and Section 51(b) of the Disaster Management Act 2005.

3. The case of the prosecution is that on 11.04.2020, the petitioner was found roaming in his two wheeler in violation of the lock down restrictions.

4. The respondent could not have registered the First Information Report for the offence under Section 188 of I.P.C. On the same logic, the offence under Section 3 of the Epidemic Diseases Act 1897 also could not have been registered. The petitioner was not suffering from any infectious disease, nor he contributed to its spread. Therefore, Section 270 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 (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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,
Kottar police station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VELUCHAMY, Advocate (SR-1587[F] dated 12/01/2022)

Crl.O.P.(MD)No.407 of 2022
12.01.2022

RK(27/01/2022) 2P 4C