



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1418 of 2022
and
Crl.M.P. (MD)No.1054 of 2022

Kavikumar ... Petitioner/Accused No.3
Vs.

State through by
1.The Inspector of Police,
Ramnad Town B1 Police Station,
Ramanathapuram District.
(In Crime No.290 of 2021) ...1st Respondent/Complainant
2.Jeyalmalathi,
Village Administrative Officer,
R.S.Madai,
Ramanathapuram District. ...2nd Respondent/Defacto
Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.290 of 2021 dated 09.12.2021 on the file of 1st respondent and quash the same as against the petitioner/Accused No.3.

For Petitioner : Mr.M.Karalmarx
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1.

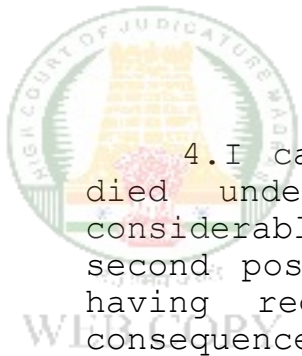
O R D E R

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

2.The petitioner is figuring as third accused in Crime No.290 of 2021 registered on the file of Ramnad Town B1 Police Station for the offences under Sections 143, 341, 353, 269, 270 and 188 of IPC.

3.The case of the prosecution is that the accused unlawfully assembled outside the Government Hospital, Ramanathapuram and raised certain untenable demands. The accused did not adhere to covid protocol. They also prevented the public servants from discharging their duty.

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



4.I can take judicial notice of the fact that one Manikandan died under unnatural circumstances and that gave rise to considerable public controversy. Even this Court ordered holding of second postmortem. I would not fault the respondent police for having registered the impugned FIR. But then, no adverse consequence ensued. The accused were not suffering from any infectious disease nor contributed to its spread. They also did not indulge in any act of violence. The death of Manikandan led to filing a writ petition seeking transfer of investigation to CBCID. I have dismissed the said writ petition. I am therefore of the view that continuance of the impugned prosecution is not really necessary. Therefore, the impugned FIR is quashed in toto. This 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 (W)

// 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,
Ramnad Town B1 Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.1418 of 2022
27.01.2022

RK(15/02/2022) 2P 3C