



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.1184 of 2022

Abinesh

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanniyakumari District.
(Crime No.356 of 2020)

... Respondent/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.356 of 2020 on the file of the respondent police and to quash the same.

For Petitioner : Mr.N.Pragalathan
For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

O R D E R

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

2.The petitioner is shown as an accused in Crime No.356 of 2020 registered on the file of Kottar Police Station for the offences under Sections 270 and 188 of IPC r/w. Section 3 of the Epidemic Diseases Act, 1897 and Section 51(b) of Disaster Management Act, 2005. The only allegation made by the prosecution is that on 10.04.2020, the petitioner was found roaming in public in a two wheeler in violation of the lockdown restrictions.

3.It is not the case of the prosecution that the petitioner was suffering from any infectious disease or contributed to its spread. The police could not have registered an FIR straightaway for the offence under Section 188 of IPC or Section 3 of the Epidemic Diseases Act, 1897. No adverse consequence ensued. Continuance of the impugned prosecution is not warranted. In this view of the matter, the impugned prosecution is quashed and the criminal original petition is allowed.

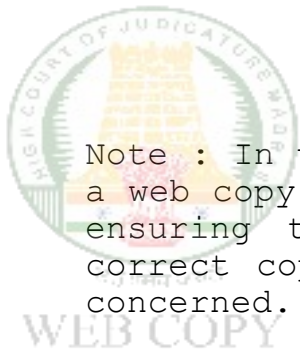
Sd/-

Assistant Registrar ()

// 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,
Kottar Police Station,
Nagercoil,
Kanniyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2240[F] dated 24/01/2022)

CrI.O.P(MD)No.1184 of 2022
24.01.2022

RK(09/02/2022) 2P 4C