



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.1405 of 2022
and
Crl.M.P. (MD)No.1046 of 2022

Pandiyaraj @ Pandiaraja ... Petitioner/Sole Accused
Vs.

1 State rep. by
The Sub Inspector of Police,
Kayathar Police Station,
Thoothukudi District. ...Respondent/Complainant

2.P.Murugan,
Sub Inspector of Police,
Kayathar Police Station,
Thoothukudi District. ...2nd Respondents/Defacto
Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case registered in First Information Report in Crime No.339 of 2020 on the file of 1st respondent and quash the same as illegal.

For Petitioner : Mr.G.Anto Prince

For Respondents : 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 respondents.

2.The petitioner wants this Court to quash the impugned FIR in Crime No.339 of 2020 registered on the file of Kayathar Police Station for the offences under Sections 188 and 291 of IPC.

3.The case of the prosecution is that on 16.06.2020 at around 06.00 pm, in violation of lockdown restrictions, the petitioner was found roaming around and also uttering abusive expressions. Even though he was warned to leave the spot, he defied the police warning and continued to commit the act of nuisance. According to the



learned Government Advocate (CrI. Side), final report was also filed, though it was not taken on file.

4.As rightly pointed out by the learned counsel for the petitioner, the respondents could not have registered an FIR for the offence under Section 188 of IPC as it runs counter to the ratio laid down in the decision reported in **2018(2) L.W (CrI.)606 (Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another)**. As regards the offence under Section 291 of IPC, the case on hand is squarely covered by order dated 09.11.2021 made in CrI.O.P.(MD) No.16135 of 2021. The registration of the impugned FIR is clearly not maintainable and it stands quashed. The criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// 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 Sub Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-2630[F] dated 27/01/2022)

CrI.O.P(MD)No.1405 of 2022
27.01.2022

RK(16/02/2022) 2P 4C