



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.1431 of 2022
and
Crl.M.P. (MD)No.1063 of 2022

Manimaran ... Petitioner

Vs.

1.The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
(In Crime No.210 of 2020)

2.P.Manikandan,
Sub Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District. ... Respondents

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.210 of 2020** dated 30.04.2020 on the file of 1st respondent and quash the same as against the petitioner/sole accused is concerned.

For Petitioner : Mr.P.Praveenkumar

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 was found roaming in public on 30.04.2020 in violation of lockdown restrictions. Hence, the impugned FIR was registered. The respondent police should not have registered the FIR for the offence under Section 188 of IPC as that runs counter to the ratio laid down in the decision report in **2018(2) L.W (Crl.) 606 (Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another)**. Since the petitioner was not suffering from any infectious disease, Section 269 of IPC could not have been invoked. Looked at from any



angle, the impugned FIR is not maintainable. It is quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

(*) Corrected as per order of this Court dated 21.03.2022

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/ /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:

(*) to be substituted the order already despatched on 17.02.2022

- 1.The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.PRAVEENKUMAR, Advocate (SR-2666[F] dated 27/01/2022)

Crl.O.P(MD)No.1431 of 2022
27.01.2022

SR(CO)
TR(15.02.2022) 2P 4C
TR(30.03.2022) 2P 4C