



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2254 of 2022

and

Crl.M.P(MD)No.1650 of 2022

Parthipan

... Petitioner/
Sole Accused

Vs.

1.The State represented by,
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.228 of 2021)

... 1st Respondent/
Complainant

2.Gabriel,
The Sub-Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with the FIR in Crime No.228 of 2021 pending on the file of the Inspector of Police, Suchindram Police Station, Kanyakumari District and quash the same.

For Petitioner	: Mr.L.Geroge Paul Anto
For Respondents	: Mr.B.Thanga Aravindh
	Government Advocate (Crl.Side) for R.1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. The case of the first respondent is that the petitioner was found roaming in a two wheeler on 21.05.2021 in violation of the lock down restrictions. Hence, the FIR was registered for the offences under Sections 269 and 270 IPC and Section 3 of Epidemic Diseases Act, 1897. Since the petitioner was not suffering from any



infectious disease and did not contribute to its spread, the registration of the FIR is bad in law. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

WEB COPY

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

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RD(23.02.2022) 2P 4C