



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1910 of 2022
and Crl.M.P. (MD)No.1399 of 2022

R.S.Manimaran

... Petitioner/Accused No.2

Vs.

1.State Rep. by
Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
(Crime No.163 of 2020)

... Respondent/Complainant

2.Ravichandran

... Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.163 of 2020 on the file of the respondent police and quash the same as illegal as against this petitioner/A2.

For Petitioner	:	Mr.A.Mohamed Hashim
For R1	:	Mr.B,Thanga Aravindh
		Govt. Advocate (Crl. Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the first respondent.

2.The case of the prosecution is that the accused were found roaming around in public in violation of the lock down restrictions on 26.04.2020. Hence, Crime No.163 of 2020 was registered for the offences under Sections 188 and 269 of IPC. The first respondent could not have registered an FIR straight away for the offence under Section 188 of IPC as that runs counter to the ratio laid down in **Jeevanandham and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another** reported in **2018(2) L.W (Crl.) 606**. The accused were not suffering from any infectious disease and they did not contribute to its spread. Therefore, Section 269 of IPC also could not have been invoked. Looked at from any angle, the registration of the First Information Report is bad in law. It stands quashed. The 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.

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// True Copy //

Sd/-

Assistant Registrar (CrI.Side)

/ /2022

Sub Assistant Registrar(CS)

sj i

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. Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.MOHAMED HASHIM, Advocate (SR-4370[F]
dated 04/02/2022)

CrI.O.P (MD) No.1910 of 2022
02.02.2022

ARK(CO)
GC(15.02.2022) 2P 4C