



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.3355 of 2022 and

CRL.M.P.(MD)No.2487 of 2022

WEB COPY

Y.Mariaselvan @ Mariyaselvaraj

... Petitioner/Accused No.3

Vs.

1. The State rep. By,
The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.

... 1st Respondent/De Jure Complainant

2. R.Vijayakumar
The Sub Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records connected in impugned FIR in Crime No.122 of 2021 dated 08.04.2021 on the file of the first respondent and quash the same.

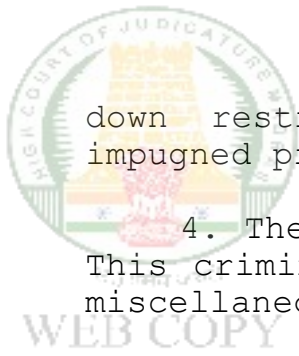
For Petitioner	: Mr.Alagumani
For Respondent	: Mr.R.M.Anbunithi
No.1	Additional Public Prosecutor.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner along with other accused conducted agitation for condemning the action of the Election Commission of India for searching the room of Mr.Mahendran who is an State Deputy Secretary of the Communist Party of India who had possessed merely Rs.387/- within during election time in violation of the lock down restrictions on 08.04.2021. Hence, Crime No.122 of 2021 was registered on the file of respondent police for the offences under Sections 269,270,283,341 of IPC and Section 73 of Tamil Nadu City Police Act, 1888.

3. I will not fault the respondent for having registered the impugned First Information Report. But no adverse consequence ensued. It is seen that the Government has taken a policy decision not to pursue the cases registered in the wake of breach of lock



down restrictions. In these circumstances, continuance of the impugned prosecution is not warranted.

4. Therefore, the impugned First Information Report is quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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,
Nesamony Nagar Police Station,
Kanyakumari District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Crl.O.P. (MD)No.3355 of 2022
17.02.2022**

RS (01.03.2022) 2P-3C