



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1646 of 2022
and
Crl.M.P. (MD)No.1191 of 2022

Punniyavel ... Petitioner/Single Accused
Vs.

The State Rep. by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(In Crime No.124 of 2020) ... Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.124 of 2020, dated 03.05.2020, on the file of the respondent/complainant and quash the same as against the petitioner/accused.

For Petitioner : Mr.R.Venkateswaran
For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side)

ORDER

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

2.The case of the prosecution is that on 03.05.2020 at about 06.30 p.m. the petitioner was found roaming around in public in his two wheeler.

3.It is not the case of the prosecution that the petitioner was suffering from any infectious disease or that he contributed to its spread. The procedures prescribed for registering the offence under Section 188 of IPC or Section 3 of Epidemic Diseases Act, 1897 was also not followed. Since no adverse consequences ensued, the impugned prosecution deserves to be quashed.



4.In this view of the matter, the impugned FIR is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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,
Kadaladi Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SABBANI KAR BURAJOTHI, Advocate (SR-3554[F] dated 02/02/2022)

Crl.O.P(MD)No.1646 of 2022

and

Crl.M.P. (MD)No.1191 of 2022

31.01.2022

smv (CO)

TR(15.02.2022) 2P 4C