



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.2111 of 2022

and

Crl.M.P(MD)No.1580 of 2022

Satheesh Chandran

... Petitioner/
1st Accused

Vs.

1.The State represented by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.523 of 2020)

... 1st Respondent/
Complainant

2.Samuvel,
The Sub-Inspector,
Arumanai Police Station,
Kanyakumari District.

... 2nd Respondent/
Defacto Complainant

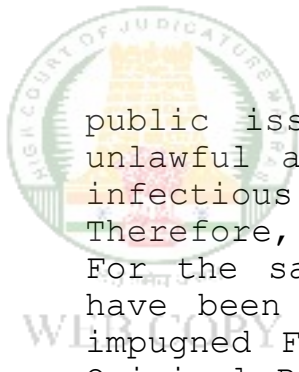
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in connection with Crime No.523 of 2020 on the file of the first respondent police and quash the FIR insofar as the petitioner is concerned.

For Petitioner : Mr.R.Rajalakshmi
For 1st Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

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

2. The petitioner is figuring as an accused in Crime No.523 of 2020 registered on the file of Arumanai Police Station for the offences under Sections 143 and 269 IPC and Section 3 of Epidemic Disease Act, 1897. The case of the prosecution is that the accused assembled in a public place without getting prior permission and in violation of the lock down restrictions. It is seen that the accused are members of a political party. They assembled to raise a



public issue. Therefore, such assembly cannot be called as an unlawful assembly. The accused were not also suffering from any infectious disease. They did not contribute of its spread. Therefore, Section 269 IPC could not have been invoked against them. For the same reason, Section 3 of Epidemic Disease Act could not have been invoked. Looked at from any angle, registration of the impugned FIR is to be faulted. It stands quashed. This 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.

Sd/-

Assistant Registrar (AD I)

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

Crl.O.P(MD)No.2111 of 2022

and

Crl.M.P(MD)No.1580 of 2022

03.02.2022

MGJ(24.02.2022) 2P 3C