



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.2051 of 2022

and

Crl.M.P(MD)No.1509 of 2022

WEB COPY

1.Muthu Manikandan
2.Manickam
3.Paramasivan

... Petitioners/
Accused Nos. 1 to 3

Vs.

1.The State represented by its,
The Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.
(Crime No.147 of 2020)

...1st Respondent/Complainant

2.Bala Krishnan
The Sub- Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.

...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records in relating to the impugned FIR in Crime No.147 of 2020, on the file of the first respondent police and to quash the same.

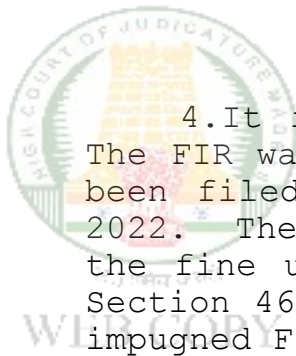
For Petitioners : Mr.M.S.Jeyakarthik
For Respondents : Mr.B.Thanga Aravindh
Govt. Advocate (Crl. Side)

O R D E R

Heard the learned Counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents.

2.The case of the prosecution is that on 13.04.2020, in violation of the lock down restrictions, the petitioners were found roaming around in a two-wheeler that led to the registration of the impugned FIR.

3.The respondents could not have registered in FIR straight away for the offence under Section 188 of Indian Penal Code, as that runs counter to the ratio laid down in the Jeevanantham's case. The accused were not suffering with any infectious disease nor did they contribute to its spread. Therefore, Section 269 of IPC could not have been invoked.



4.It is true that three persons were riding in a two-wheeler. The FIR was registered on 13.04.2020. The final report should have been filed on or before 12.04.2021. But, we are now in February 2022. The offence under Section 128 of IPC is punishable only with the fine up to Rs.100/-. Therefore, in this case the power under Section 468 of Criminal Procedure Code deserves to be invoked. The impugned FIR is quashed.

5.With the said observation, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3578[F] dated 02/02/2022)

Crl.O.P (MD)No.2051 of 2022
02.02.2022

SMV(CO)
GC(15.02.2022) 2P 5C