



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) Nos.2347, 2350 and 2352 of 2022

In Crl.O.P. (MD)No.2347 of 2022

C.Julius Caesar ...Petitioner/Single Accused

Vs.

1.The State rep by
The Inspector of police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.651 of 2020)

2.K.Anguthai
The Sub-Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District. ...Respondents/Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the case in Crime No.651 of 2020 on the file of the Inspector of Police, Kovilpatti East Police Station, Thoothukudi District and quash the same as against the petitioner.

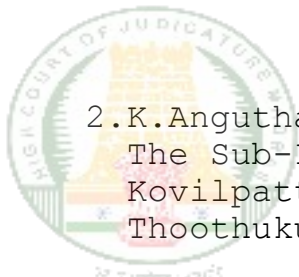
For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

In Crl.O.P. (MD)No.2350 of 2022

A.Agastin ...Petitioner/Single Accused

Vs.

1.The State rep by
The Inspector of police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.652 of 2020)



2.K.Anguthai
The Sub-Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District. ...Respondents/Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the case in Crime No.652 of 2020 on the file of the Inspector of Police, Kovilpatti East Police Station, Thoothukudi District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

In Crl.O.P. (MD)No.2352 of 2022

A.Prince ...Petitioner/Single Accused

Vs.

1.The State rep by
The Inspector of police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.653 of 2020)

2.K.Anguthai
The Sub-Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District. ...Respondents/Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the case in Crime No.653 of 2020 on the file of the Inspector of Police, Kovilpatti East Police Station, Thoothukudi District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

COMMON ORDER

In these three Criminal Original Petitions, three different FIRs are under challenge.

2. All the FIRs were registered against the respective accused on account of violation of lockdown restrictions. It is not in dispute that the accused were not suffering from any infectious disease. Therefore, Section 269 IPC could not have been invoked against him. Likewise, Section 188 IPC also could not have been invoked against him. The accused were away and on their own by the police as it runs the



counter to ratio laid down in **Jeevanandham and others Vs State reported in 2018(2) L.W (Crl.) 606**. Looked at from any angle, the prosecution is not maintainable. The impugned FIRs are quashed. The Criminal Original Petitions are allowed.

WEB COPY

Sd/-

Assistant Registrar (W)

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

Crl.O.P. (MD) Nos.2347, 2350
and 2352 of 2022
04.02.2022

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