



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2281 of 2022

and

Crl.M.P(MD)No.1663 of 2022

Rajakumar ... Petitioner/1st Accused
Vs.
1.The State represented by,
The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
(Crime No.476 of 2020) ... 1st Respondent/Complainant
2.Ms.Vimala,
The Inspector of Police,
Kulasekaram 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.476 of 2020 on the file of the first respondent police and quash the FIR insofar as the petitioner/Accused No.1, is concerned.

For Petitioner : Ms.R.Rajalakshmi
For Respondents : Mr.B.Thanga Aravindh
Government Advocate
(Crl.Side) for R.1

ORDER

Heard the learned counsel 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.476 of 2020 registered on the file of Kulasekaram Police Station, Kanyakumari District, for the offences under Sections 269 and 270 IPC and Section 3 of Epidemic Disease Act, 1897. The case of the prosecution is that there is in violation of lock down restrictions on 12.08.2020, the accused had conducted a pooja. It is not the case of the prosecution that the accused were suffering from any infectious disease. The prosecution did not follow the procedure for



registering an FIR for the offence under Section 3 of of Epidemic Disease Act, 1897. The impugned FIR is quashed. The 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.

WEB COPY

Sd/-

Assistant Registrar (AS)

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

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