



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2520 of 2022

Santhose @ Santhosh Diviyan ... Petitioner/ Sole Accused

Vs.

1.The State represented by
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Crime No.244 of 2021) ... 1st Respondent/ Complainant

2.John Victor,
Sub Inspector of Police,
Vadaseri Police Station,
Kanyakumari District. ... 2nd Respondent/
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the FIR in Crime No.244 of 2021 pending on the file of the Inspector of Police, Vadaseri Police Station, Kanyakumari District and quash the same.

For Petitioner : Mr.B.Micheal Sebastin

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

ORDER

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

2. The case of the prosecution is that on 27.05.2021, at about 11.00 a.m, the petitioner was found roaming around in his two wheeler in violation of the lock down conditions. Hence, Crime No.244 of 2021 was registered for the offences under Sections 269 IPC and 3 of Epidemic Diseases Act, 1897. The petitioner was not suffering from any infectious disease. He also did not contribute to its spread. Therefore, Sections 269 IPC and 3 of Epidemic Diseases



Act, 1897, could not have been invoked against him. The registration of FIR is bad in law. The FIR is Quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

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

+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate (SR-4657[F] dated 08/02/2022)

Crl.O.P(MD)No.2520 of 2022

04.02.2022

RD(23.02.2022) 2P 5C