



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.3403 of 2022

and

Crl.M.P (MD) No.2528 of 2022

WEB COPY

1. G.Thangiah
2. Durairaj
3. Jeyapandian
4. Thangam
5. Mahendran
6. Durai
7. Idayarani
8. Sekar
9. Patturaj
10. Radha
11. Subhulakshimi
12. Sudalaimuthu (wrongly Mentioned as sudalaimani)
13. Sudalaimuthu

... Petitioners/

Accused No. 1,3,6,7,9,16,17,18,19,20,21,27,28

Vs

1. The Inspector of Police
Naraikinaru Police Station,
Thoothukudi District ...Respondent 1/Complainant
(Crim No. 5/2022)
2. M.Muthuselvam ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to Call for the records in Crime No. 5 of 2022 dated 26.01.2022 on the file of the first respondent and quash the same.

For Petitioners : Mr.V.Rajiv Rufus
For Respondents : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioners along with other accused in violation of the lock down restrictions assembled illegally and did not permit the government bus to go and also hoisted black flag on the trees and water tank in their village on 26.01.2022 Hence, Crime No.5 of 2022 was registered on the file of Naraikinarau police station for the offences under Sections 143,283,269 of IPC and Section 4(A) (1a) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.



3. I will not fault the respondent for having registered the impugned First Information Report. But no adverse consequence ensued. It is seen that the Government has taken a policy decision not to pursue the cases registered in the wake of breach of lock down restrictions. In these circumstances, continuance of the impugned prosecution is not warranted.

4. Therefore, the impugned First Information Report is quashed. This criminal original petition is allowed in so far as the petitioners alone. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Naraikinaru Police Station,
Thoothukudi District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.3403 of 2022
and
Crl.M.P (MD) No.2528 of 2022
17.02.2022

SB (CO)
KB (01.03.2022) 2P 3C