



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

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

Crl.O.P.(MD) No.3743 of 2022

and

Crl.M.P(MD) No.2727 of 2012

Sayed Babu Hussain @ Syedbabuushen ...Petitioner/Single Accused

Vs.

1. The State Rep. by
The Inspector of Police
Kottar Police Station
Kanyakumari District ... Respondent/Complainant
(Crime No. 264 of 2020)

2. Saravanakumar
The Sub Inspector of Police
Kottar Police Station
Kanyakumari District ...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No. 264 of 2020 on the file of the respondent police and quash the same as illegal as against this petitioner.

For Petitioner : M/s.K.N.Guru
For Respondents : Mr.R.M.Anbunithi
No.1 & 2 Additional Public Prosecutor

ORDER

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

2. The petitioner along with other accused were roaming in a two wheeler in violation of the lock down restrictions on 04.04.2020. Hence, Crime No.264 of 2020 was registered on the file of respondent police for the offences under Sections 188,270 of IPC r/w.Section 3 of Epidemic Disease Act and Section 51 of Disaster Management Act.

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. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
Kottar Police Station
Kanyakumari District

2. The Sub Inspector of Police
Kottar Police Station
Kanyakumari District

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.3743 of 2022
24.02.2022

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