



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.4657 of 2022

in

Crl.M.P(MD)No.3287 of 2022

Sivabalan Pushparaj

... Petitioner/Sole Accused

Vs.

1. The State represented by
The Sub Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.258 of 2020)

... 1st Respondent/ Complainant

2. Nellayappan,
The Sub Inspector of Police,
Eral Police Station,
Thoothukudi District.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned F.I.R made in Crime No.258 of 2020 on the file of the first respondent and quash the same insofar as this petitioner is concerned.

For Petitioner	: Mr.S.Atham Ali
For Respondents	: Mr.R.M.Anbunithi
	Additional Public Prosecutor
	(Criminal Side)
	for R.1

ORDER

The Criminal Original Petition has been filed to quash the FIR as against the petitioner in Crime No.258 of 2020 on the file of the first respondent for the alleged offences under Sections 269 and 270 IPC and Section 3 of Epidemic Diseases Act, 1987.

2. The case of the prosecution is that the respondent police along with other police officials was on patrolling duty during the lockdown period of Covid-19 pandemic situation, at that time the



petitioner violating the lockdown rules without following the Covid-19 procedures. Hence the respondent police had registered the case against the petitioner / Sole Accused.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor (Criminal Side) appearing for the first respondent.

4. 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 lockdown restrictions. In these circumstances, continuance of the impugned prosecution is not warranted.

5. Therefore, the impugned First Information Report is quashed. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Sub Inspector of Police,
Eral Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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