



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD)No.4467 of 2022

1.Pandiyarajan
2.Sabaribala
3.Eswaran

... Petitioners/
Accused Nos.7 to 9

Vs.

The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.56 of 2020)

... Respondent/
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records in Crime No.56 of 2020 dated 26.03.2020 on the file of the respondent police and quash the same as against the petitioners.

For Petitioners : Mr.S.Sivaprakash
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
(CrI.Side)

ORDER

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

2. The case of the prosecution is that on 26.03.2020, based on the secrete information about some people conducting cricket tournament, the defacto complainant went near T.Valayankulam bus stop. At that time, Section 144 Cr.P.C ban was in force the petitioners / accused Nos.7 to 9 conducted cricket tournament without any proper reason and without safety measures against Covid 19. Hence, the respondent police registered an FIR against the petitioners and other accused under Sections 188, 269, 270, 271 IPC and Section 3 of Epidemic Diseases Act and Sections 134, 135 of Tamil Nadu Public Health Act, 1939 in Crime No.56 of 2020 dated on 26.03.2020.



3. The real fact of the case is that on 26.03.2020, Indian Government proclaimed the lock down for the very first time and the above said cricket tournament was not occurred on that day. Before proclamation of the lock down, the other accused planned to conduct cricket tournament and they printed the pamphlets also. When the Government announced about the lock down, the accused herein was cancelled the tournament. Only based on pamphlets, the respondent police registered a false case under Sections 188, 269, 270, 271 IPC in Crime No.56 of 2020 against the petitioners, dated on 26.03.2020.

4. I will not find fault with 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.

5. Therefore, the impugned First Information Report is quashed. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (AE)

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

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