



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.4649 of 2022

in

Crl.M.P (MD) No.3281 of 2022

Satheesh

... Petitioner/ Sole Accused
Vs.

The State represented by
The Sub Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
(Crime No.293 of 2021)

... Respondent/Complainant

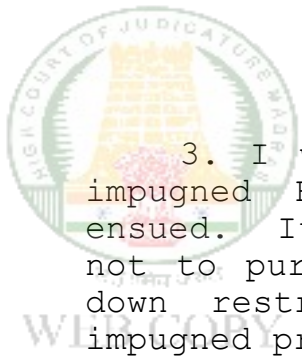
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in First Information Report in Crime No.293 of 2021 on the file of the Sub Inspector of Police, Suchindram Police Station, Kanniyakumari District and quash the same as against petitioner/accused.

For Petitioner : Mr.K.Vamanan
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor (Criminal Side)

ORDER

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

2. The case of the prosecution is that during the lockdown imposed by the Government of Tamil Nadu due to second surging of COVID-19 Pandemic, on 03.06.2021 at about 05.00 p.m the respondent police party went for patrolling near Thengamputhur Junction, while at that time the petitioner without following the lockdown restriction roaming unnecessarily in his two wheeler and further alleged that the petitioner attitude would possible to spread the disease to society. Hence, the respondent police party seized the two wheeler of the petitioner and registered the impugned FIR in Crime No.293 of 2021 dated 03.06.2021 for the offences under Sections 269 and 270 IPC and Section 3 of Epidemic Diseases 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.

Sd/-

Assistant Registrar (Protocol)

// 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 Sub Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.O.P (MD)No.4649 of 2022
in
Crl.M.P (MD)No.3281 of 2022
11.03.2022

PKP/22.03.2022/2P/3C