



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2022
CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.5223 of 2022 and
CRL.M.P.(MD)No.3696 of 2022

WEB COPY

P.Manikandan

... Petitioner/Sole Accused

Vs.

1. The State rep. By,
The Inspector of Police,
Othakadai Police Station
Madurai District
(Crime No.927 of 2020) ... 1st Respondent / Complainant

2. G.P.Singh
The Sub Inspector of Police,
Othakadai Police Station
Madurai District ... 2nd Respondents / Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records in Crime No. 927 of 2020 on the file of the respondent police and quash the same as illegal as against the petitioner.

For Petitioner : Mr.M.Mahendran

For Respondent : Mr.R.M.Anbunithi
No.1 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 found roaming in two wheeler in violation of the lock down restrictions on 26.06.2020. Hence, Crime No.927 of 2020 was registered on the file of respondent police for the offences under Sections 188 of IPC r/w.Section 25(2)(a), 26(2) of Disaster Management Act, 2005.

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(CS-III)

// 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,
Othakadai Police Station
Madurai District

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

+1 CC to M/s.M.MAHENDRAN, Advocate (SR-13558[F] dated 22/03/2022)

Cr1.O.P.(MD)No.5223 of 2022
21.03.2022

ss(CO)

TR(30.03.2022) 2P 4C