



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

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

Crl.O.P.(MD) No.6248 of 2022

and

Crl.M.P(MD) No.4322 of 2022

Ajay Thomas

...Petitioner/ Accused No.1

Vs.

1. State rep. by

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

(In Crime No.795 of 2020)

... 1st Respondent/ Complainant

2. C.Sundar Moorthy

The Sub Inspector of Police,
Kottar P.S.,
Kanyakumari District.

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the impugned Crime No.795/2020, on the file of the respondent Police, Quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : 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 roaming in a two wheeler in violation of the lock down restrictions on 15.06.2020. Hence, Crime No.795 of 2020 was registered on the file of respondent police for the offences under Sections 270, 188 of IPC and Section 3 of Epidemic Disease 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 (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Sub Inspector of Police,
Kottar Police Station,
Kottar,
Kanyakumari District.

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

+1 CC to M/s.K. RAJESHWARAN, Advocate (SR-16777[F] dated 06/04/2022
)

Crl.O.P.(MD) No.6248 of 2022 and
Crl.M.P(MD) No.4322 of 2022
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RD(18.04.2022) 2P 4C