



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.6883 of 2022

M.Nagaselvam

... Petitioner

Vs.

1. The State rep. By,
The Sub-Inspector of Police,
Theni Police Station
Theni District.
(Crime No.1327 of 2020)

2. K.S.Raja
The Sub-Inspector of Police
Theni Police Station
Theni District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records from the first respondent police in Crime No.1327 of 2020, dated 12.05.2020 and quash the same as devoid of merits against the petitioner.

For Petitioner : Mr.A.Haja Mohaideen
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor.

O R D E R

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

2.The petitioner went to purchase medicine during the lock down period. At that time, the respondent police while patrolling to prevent the spread of COVID-19 virus, caught the petitioner, who went by his two wheeler bearing Registration No.TN 60 AC 4278 and registered FIR in Crime No.1327 of 2020 for the offences under Sections 269 of I.P.C. and Section 3 of the Epidemic Diseases Act, 1897 and Section 51 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.

Sd/-

Assistant Registrar (AD-I)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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

Crl.O.P. (MD) No. 6883 of 2022
13.04.2022

RS (27.04.2022) 2P-3C