



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2022

CORAM

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

Crl.O.P.(MD)No.7176 of 2022 and

CRL.M.P.(MD)No.4940 of 2022

WEB COPY

Merbin @ Maria Marbin

... Petitioner / Sole Accused

Vs.

1. The State through  
The Inspector of Police,  
Colachel Police Station,  
Kanyakumari District.  
(Crime No.190 of 2020)

... 1<sup>st</sup> Respondent/Complainant

2. L.Sujith Anand,  
Sub Inspector of Police,  
Colachel Police Station.

... 2<sup>nd</sup> Respondent/  
De-facto Complainant

**Prayer:** Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.190/2020 dated 12/04/2020 on the file of the 1<sup>st</sup> respondent Police and quash the same.

For Petitioner : Mr.B.Muneeswaran

For Respondent : Mr.R.M.Anbunithi  
No.1 & 2 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 outside without any reason in violation of the lock down restrictions on 12.04.2020. Hence, Crime No.190 of 2020 was registered on the file of respondent police for the offences under Sections 188,269 of IPC r/w.Section 3 of Epidemic Disease Act 1897..

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 (A.D.I)

WEB COPY

// 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,  
Colachel Police Station,  
Kanyakumari District.

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

+1 CC to M/s.C.M.MARI CHELLIAH PRABHU, Advocate ( SR-19400[F] dated 19/04/2022 )

CrI.O.P.(MD)No.7176 of 2022  
19.04.2022

\_RD(29.04.2022) 2P 4C