



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.7979 of 2022

WEB COPY

Michel Jose

... Petitioner/1st Accused

Vs.

1. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.
(Crime No.362/2020)

... Respondent/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.362/2020, on the file of the respondent police and to quash the same.

For Petitioner : Mr.N.Pragalathan

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.On 13.04.2020, the petitioner's village people gathered together due to the act of the petitioner herein and two others in front of an irrigation tank, in violation of the COVID-19 restrictions. Hence, Crime No.362/2020 was registered on the file of the respondent police for the offences under Sections 188, 270 of I.P.C. r/w Section 3 of the Epidemic Diseases Act, 1897. and Section 51(b) of the 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 (CS II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-22224[F] dated 28/04/2022)

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MGJ(25.05.2022) 2P 4C