



WEB COPY

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.7956 of 2022
and Crl.M.P(MD) No.5386 of 2022

Sharief @ Sherif

... Petitioner /Accused No.1

Vs.

1. The State rep. By,
The Inspector of Police,
Thucakalay Police Station
Kanyakumari
(Crime No.801/21)

... Respondent No.1/Complainant

2. R.Murugan
The Special Sub Inspector of Police,
Thuckalay Police Station
Kanyakumari District

... 2nd Respondent /Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.801 of 2021 on the file of the first respondent and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner	: Mr.K. Navaneetharaja
For Respondent	: Mr.R.M.Anbunithi
No.1	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 along with other accused assembled in the occurrence spot and protested against the Government to repair the damaged road from Thiruvithanvode to Alagiyamandapam in violation of the lock down restrictions on 17.12.2021. Hence, Crime No.801 of 2021 was registered on the file of respondent police for the offences under Sections 143, 269 and 270 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 also closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To:

1. The Inspector of Police,
Thucakalay Police Station
Kanyakumari
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Cr1.O.P.(MD)No.7956 of 2022
28.04.2022

_SS/26.05.2022 : 2P/3C