



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD)No.7937 of 2022

Sibikumar

... Petitioner / Sole Accused

Vs.

1. The State rep. By,
The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District ... 1st Respondent / Complainant

2. R.Vijayakumar
The Sub Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District ... 2nd Respondents / Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the FIR in Crime No.220 of 2021 pending of the file of the Inspector of Police, Kanyakumari District and quash the same.

For Petitioner	: Mr.B.Michael Sebastin
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 have breached the lockdown rules in violation of the lock down restrictions on 26.05.2021. Hence, Crime No.220 of 2021 was registered on the file of respondent police for the offences under Sections 269 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.

Sd/-

Assistant Registrar(T & P)

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/ /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,
Nesamony Nagar Police Station,
Kanyakumari District

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

+1 CC to M/s.B. MICHEAL SEBASTIN, Advocate (SR-22595[F] dated 29/04/2022)

Crl.O.P.(MD)No.7937 of 2022

28.04.2022

ck(CO)

TR(06.05.2022) 2P 4C