



WEB COPY

Crl.O.P.(MD)No.8256 of 2022 and

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.8256 of 2022 and

CRL.M.P.(MD)No.5580 of 2022

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... Petitioner/Sole Accused

Vs.

1. The Sub Inspector of Police
Kotticode Police Station
Kanyakumari District.

...1st Respondent/Complainant

2. Chandrababu
Special Sub Inspector of Police
Kotticode 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 relating to the proceedings of Crime No.137 of 2020 on the file of the first respondent police and quash the same as against the petitioners herein.

For Petitioner : Mr.K.P.Narayana Kumar

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 was driving the two wheeler in violation of the lock down restrictions on 16.04.2020. Hence, Crime No.137 of 2020 was registered on the file of respondent police for the offences under Sections 188,269 of IPC r/w.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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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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 Sub Inspector of Police
Kotticode Police Station
Kanyakumari District.

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-22650[F] dated 29/04/2022)

Crl.O.P.(MD)No.8256 of 2022
29.04.2022

RK(19/05/2022) 2P 4C