



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.04.2022

CORAM:

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

CrI.O.P. (MD) .No.8409 of 2022

Yogeshwaran

...Petitioner/Sole Accused

Vs.

1.State Represented by,

The Sub- Inspector of Police,
Nesamani Police Station,
Kanniyakumari District.
Under Section 269 IPC and
Section 3 of Epidemic diseases Act, 1897.

...1st Respondent/Complainant

2.Robert Jain

Sub- Inspector of Police,
Nesamani Police Station,
Kanniyakumari District.

...2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to quash the entire proceeding in Cr.No.346/2021 on the file Nesamani Nagar Police Station Kanyakumari District.

For Petitioner : Mr.J.Gunaseelanmuthiah

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.On 08.06.2021, during the Pandemic period, the petitioner went outside by his Car Registration No.TN 74 AV 9813, in violation of the lock down restrictions. Hence, Crime No.346 of 2021 was registered on the file of Nesamani Nagar police station for the offences under Section 269 IPC and Section 3 of Epidemic diseases 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.

Sd/-

Assistant Registrar (Writs)

// True Copy //

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/ /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 Sub- Inspector of Police,
Nesamani Police Station,
Kanniyakumari District.

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

+1 CC to M/s.J. GUNASEELAN MUTHIAH, Advocate (SR-23271[F] dated 02/05/2022)

Cr1.O.P. (MD) .No.8409 of 2022
29.04.2022

MGJ(25.05.2022) 2P 4C