



WEB COPY

BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P. (MD)No.13506 of 2020

and

CrI.M.P (MD)No.6197 of 2020

C.Nepolian

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

(Crime No.325 of 2020). ... 1st Respondent/Complainant

2.Balamurugan

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned charge sheet in S.T.C.No.405 of 2020 on the file of the learned Judicial Magistrate, Tenkasi and quash the same.

For Petitioner

: Mr.P.Edin Brough

For R - 1

: Mr.B.Thanga Aravindh

Government Advocate (CrI. Side)

R2

: No appearance

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in S.T.C.No.405 of 2020 on the file of the learned Judicial Magistrate, Tenkasi.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. The case of the prosecution is that on 29.08.2020, the petitioner was admitted as an in patient in the second respondent's hospital and after diagnosing, it was noticed as if he was suffering with Covid-19 infection and hence, he took continuous treatment in the said hospital and on 07.09.2020 at about 03.00 p.m., when the second respondent went to administering some tablets to the petitioner, the second respondent found that the petitioner was missing and thereafter, when they verified through CCTV camera, it was found that the petitioner jumped from the compound of the hospital and escaped. Hence, the second respondent lodged a complaint. Based on the said complaint, a case has been registered against the petitioner by the first respondent for the offences under Sections 270 and 271 of I.P.C and after investigation, the



first respondent filed the charge sheet before the learned Judicial Magistrate, Tenkasi on 21.10.2020 and the same has been taken on file in S.T.C.No.405 of 2020.

4. I will not fault the first 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.

5. Therefore, the impugned charge sheet in S.T.C.No.405 of 2020 on the file of the learned Judicial Magistrate, Tenkasi, is quashed. This Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 Judicial Magistrate,
Tenkasi

2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

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

+1 CC to M/s.P.EDIN BROUGH, Advocate (SR-11589[F]
dated 11/03/2022)

Order made in

Crl.O.P(MD)No.13506 of 2020

11.03.2022

nsn(CO)

GC(24.03.2022) 2P 5C

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