



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18247 of 2021
and
Cr.M.P. (MD)No.10022 of 2021

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... Petitioner/
Sole Accused

Vs.

1.The State represented by
The Sub Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.214 of 2021)

... 1st Respondent/
Complainant

2.S.Harikumaran Nair,
The Sub Inspector of Police,
Karungal Police Station,
Kanyakumari District.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.214 of 2021 dated, 31.05.2021 on the file of the first respondent police and quash the same.

For Petitioners : Mr.T.Selvakumaran

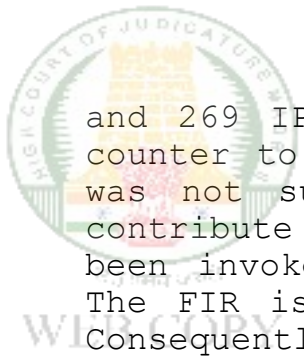
For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side) for R.1

ORDER

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

2. The case of the prosecution is that on 30.05.2021, the petitioner was found roaming around in his two wheeler in violation of the lock down conditions. Hence, Crime No.214 of 2021 was registered for the offences under Sections 188 and 269 IPC and 3 of Epidemic Diseases Act, 1897. The respondent police could not have registered an FIR on their own for the offences under Sections 188



and 269 IPC and 3 of Epidemic Diseases Act, 1897, since it runs counter to what was laid down in Jeevanandham case. The petitioner was not suffering from any infectious disease. He also did not contribute to its spread. Therefore, Section 269 IPC could not have been invoked against him. The registration of FIR is bad in law. The FIR is Quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /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,
Karungal Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-2056[F] dated
21/01/2022)

Crl.O.P.(MD)No.18247 of 2021
and

Cr.M.P.(MD)No.10022 of 2021
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MGJ(03.02.2022) 2P 4C