



WEB COPY



CRL.O.P.No. 9838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2023

CORAM:

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

CRL.O.P.No. 9838 of 2022

Rajkumar

... Petitioner

Vs.

1.The Inspector of Police,  
Myladuthurai Police Station,  
Mayladuthurai District.  
Crime No.169 of 2021.

2.Javakar M

... Respondents

**PRAYER:** Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in Crime No.408 of 2021 pending on the file of the first respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent 1 : Mr.N.S.Suganthan,  
Government Advocate (Crl. Side)

### **ORDER**

This Criminal Original Petition has been filed to quash the FIR in  
Crime No.408 of 2021 on the file of the first respondent for the offences



CRL.O.P.No. 9838 of 2023

under Section 269, 270, 143 & 341 of IPC r/w. Section 3 of Epidemic Diseases Act, 1897 as against the petitioner.

2. The case of the prosecution is that on the date of occurrence i.e., on 26.04.2021, the complainant one G.Arivazhagan who was the Inspector of Police was in the usual beat duty at Mailaduthurai town, the petitioner and other 25 members were assembled and conducted a protest for faire inquiry on the suspicious death of the worker in the quarry, without any permission and not adhere to COVID lock down and danger to the public health. Hence, the Crime No.408 of 2021 was registered on the file of respondent police for the offences under Sections 269, 270, 143 & 341 of IPC r/w. Section 3 of Epidemic Diseases Act, 1897 as against the petitioner.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the first respondent Police.



CRL.O.P.No. 9838 of 2023

WEB COPY

4. This Court 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.

5. Therefore, the impugned First Information Report in Crime No.408 of 2021 on the file of the first respondent is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

04.05.2023

nl

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order



CRL.O.P.No. 9838 of 2023

WEB COPY

To

1.The Inspector of Police,  
Myladuthurai Police Station,  
Mayladuthurai District.

2.The Public Prosecutor,  
Madras High Court,  
Chennai.



WEB COPY



CRL.O.P.No. 9838 of 2023

**G.K.ILANTHIRAIYAN, J.**

CRL.O.P.No.9838 of 2023

04.05.2023