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Crl.OP No.10217 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2023

CORAM:

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

Criminal OP.No. 10217 of 2023
and Criminal MP Nos.6656 & 6657 of 2023

MurtazaYusuf Attarwala @ Ali @ Tiger Ali

...Petitioner/Sole Accused

-Vs-

1. The State Represented by
The Inspector of Police
B-2, Esplanade Police Station,
Chennai.
(Cr,. No.1592 of 2021)

... 1st Respondent/Complainant

2. Mr. Raghu
The Sub Inspector of Police (Control Room)
B-2, Esplanade Police Station,
Chennai.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.1767 of 2022, on the file of learned VII Metropolitan Magistrate, George Town, Chennai and quash the same.



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For Petitioner : Mr.H.Thameen Ansari

For Respondents : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the C.C.No.1767 of 2022 on the file of the learned VII Metropolitan Magistrate, George Town, Chennai for the offences under Section 294(b), 353, 506(i), 270 of IPC read with 3 of Epidemic Disease Act as against the petitioner.

2. The case of the prosecution is that while the first respondent was in regular patrol duty, the petitioner and others gathered without face masks, which was against the lock down restrictions and involved in quarrel between themselves. Hence, the Crime No. 1592 of 2021 was registered on the file of respondents police for the offences under Sections 294(b), 353, 506(i), 270 of IPC read with 3 of Epidemic Disease Act. The first respondent has filed a Final Report and the learned VII Metropolitan Magistrate, George Town, Chennai, taken cognizance of



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the case in C.C. No.1767 of 2022. This Criminal Original Petition is filed to quash the same.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents Police.

4. This Court will not fault the respondents for having registered the impugned First Information Report and for filing the Final 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, C.C.No.1767 of 2022 on the file of the learned VII Metropolitan Magistrate, George Town, Chennai is quashed. Consequently the impugned First Information Report in Crime Crime No. 1592 of 2021 dated 01.11.2021 on the file of the first respondent is



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also quashed and this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

04.05.2023

jv/dsa

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

To

1. The VII Metropolitan Magistrate,
George Town, Chennai
2. The Inspector of Police
B-2, Esplanade Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

jv/dsa

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