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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.3932 of 2023

and

Cr1.MP(MD)No.3526 of 2023

V.S.Nalla Moahmed : Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.63 of 2022) : R1/Complainant

2.Ashok Chakkaravarthi,
Sub Inspector of Police,
Abiramam Police Station,
Ramanathapuram District. : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.63 of 2022, dated 22/02/2022 on the file of the respondent No.1 and quash the same and pass such further or other orders.

For Petitioner : Mr.M.Asif Mohamed

For Respondents : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

**ORDER**

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This criminal original petition is filed seeking quashment of the FIR in Crime No.63 of 2022, dated 22/02/2022 on the file of the respondent No.1 and quash the same.

2.The case of the prosecution in brief:-

On 22/02/2020 at about 11.30 hours, the police team were on routine patrol duty on the eve of the local body election date announcement. At that time, they found the accused persons celebrating winning of his party Councilor in the local body election by bursting crackers. On the basis of the complainant, a case in Crime No.63 of 2022 was registered against the accused persons for the offences under sections 286, 269, 270 and 271 IPC.

3. Seeking quashment of the same, this petition has been filed on the ground that none of the allegations mentioned in the FIR attract any of the ingredients mentioned in the final report.



4. Heard both sides.

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5. The date of occurrence stated to be on 22/02/2022. The learned counsel appearing for the petitioner would submit that during that period, Covid-2019 protocol was in force between 10/01/2020 and 15/02/2022. But here, the occurrence said to have been taken place, on 22/02/2022. So the contention of the petitioner that Covid-2019 protocol was in force during the time of occurrence is not correct on record, which is evident from G.O Ms.No. 75/13/02/2022. Now the contention that against the above said protocol only, the above said occurrence said to have been taken place.

6. As per section 286 IPC, maximum punishment period is six months or fine or both. Section 269 IPC also to the same count period. But section 270 IPC upto two years or with fine or with both. Section 271 IPC is punishable upto six months of with fine or with both. There is no question of limitation here. But it is also seen that the Government has taken policy decision to withdraw the cases registered against the public for pandemic violation.



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7.The learned Government Advocate (Criminal side) has fairly admitted that such a Government Policy decision has been taken by the Government and subsequently, G.O has been passed.

8.In view of the above said submission made by the learned Government Advocate, (Criminal side), this criminal original petition stands allowed. The impugned FIR in Crime No.63 of 2022 is hereby quashed as against the petitioner. Consequently, connected Miscellaneous Petition is closed.

26/04/2023

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
Ahiramamam Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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26.04.2023