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Crl.O.P.(MD)No4276 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.4276 of 2023

Prabhakaran

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
In Cr.No.183 of 2021

... 1st Respondent/Complainant

2.R.Arun Rajah

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Cr.No.183 of 2021 on the file of the Valliyoor Police Station, Tirunelveli District and to quash the same in respect of this petitioner/accused.

For Petitioner : Mr.S. Senthil Sankaranatha Kumar

For Respondents : Mr.S.Manikandan for R1

Government Advocate (Crl. Side)

No Appearance for R2



ORDER

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This petition is filed seeking quashment of Crime No.183 of 2021 on the file of first respondent.

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

3.The case of the petitioner is that on 27.05.2021, when the 2nd respondent is on his duty, the petitioner herein was roaming in his bike bearing registration No.TN 28 AB 7543 in the road, at the time of prohibition due to COVID-19 pandemic. Hence, a case in Crime No.183 of 2021 for the offences punishable under Section 269 of IPC has been registered. The present petition is filed to quash the First Information Report in Crime No.183 of 2021.

4.This petition has been filed mainly on the ground that Section 269 IPC is concerned, there is no intention on the part of the petitioner to spread the disease to another and simply he was roaming in the road.

5.Heard both sides.



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6.The offence under Sections 269 IPC is concerned, as per the contents of the First Information Report, it is seen that the petitioner was simply roaming in the road. It is a trivial matter in which no offence of grievous nature is involved. Even though Section 144 Cr.P.C order was in force, during the relevant time first respondent police ought to have warned the petitioner to go in-door, instead of that, they filed a case. It is also not the case of first respondent police that at the time of the incident, the petitioner was affected by COVID-19. So the contention that roaming in the road during the pandemic period will spread the disease is without any basis.

7.Considering the nature of allegations and the offences involved in this case, I am of the considered view that roaming in the road without any reason should not be a reason for spoiling the future of the petitioner. Moreover, the Government is also dropping all these cases, which have been registered during the pandemic period against the public. Taking all these aspects into account, I am of the considered view that the First Information Report in Crime No.183 of 2021 on the file of the respondent is liable to be quashed and accordingly, the same is quashed.



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8.In the result, this petition is allowed.

20.03.2023

Index : Yes/No

Internet : Yes/No

TM

To

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



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G.ILANGOVA. J.

TM

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