



WEB COPY



CrI.OP.No.22267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.22267 of 2024

and

CrI.MP.No.12700 of 2024

Aaliyar Sulthan Ahmed

.. Petitioner

Vs.

The State Represented by
Sub Inspector of Police,
Pernambut Police Station,
Vellore District.
(Cr.No.227 of 2021)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records relating to the First Information Report in Cr.No.227 of 2021, dated 02.06.2021 on the file of 1st respondent police and quash the same.

For Petitioner : Mr.J.Prakasam

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER



CrI.OP.No.22267 of 2024

This Criminal Original Petition is filed to quash the FIR in Cr.No.227 of 2021 dated 02.06.2021 registered against the petitioner and 10 others for the alleged offences under Sections 143, 269 of IPC and Sections 2 and 3 of Epidemic Diseases Act, 1897 and Section 51(b) of The Disaster Management Act, 2005.

2. The complaint was registered at the instance of Sub Inspector of Police, Pernampet Police Station against the petitioner and 10 others for assembling unlawfully during the Covid-19 restriction period and raised slogans and agitated against implementation of CIA Act

3. The petitioner contends that the FIR does not disclose any ingredients for attracting offences under Sections 143, 269 of IPC and Sections 2 and 3 of Epidemic Diseases Act, 1897 and Section 51(b) of The Disaster Management Act, 2005.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that when there was specific prohibition of assembling in the public place and distance restriction imposed under the Epidemic Act to prevent spread of Covid-19 virus. The petitioner and 10



Crl.OP.No.22267 of 2024

others have voluntarily gathered knowing that the congregations will lead to spread of contagious disease and therefore on the information given by the Sub Inspector of Police, case was registered and it is under investigation.

5. The learned Government Advocate (Crl.Side) further submits that the offence under Section 3 of Epidemic Disease Act, 1897, the punishment extends to five years and therefore considering the gravity of the offence, application to quash has to be dismissed.

6. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the respondent police.

7. The petitioner is the leader of political party along with 10 members of his party has assembled to protest CIA Act, while there was prohibitory order issued by the Government to avoid congregation of persons in public which may lead to spreading of Covid-19 virus. The act of the petitioner squarely attracts the offences mentioned in the FIR, however, the fact that under Section 3A of the Epidemic Disease Act.



CrI.OP.No.22267 of 2024

The offence has been classified as cognizable and non bailable under Section 3A(III), the investigation in the case to be completed within a period of thirty days from the date of registration of the FIR and further enquiry or trial of the case should be end as expeditiously as possible.

8. So far as this case is concerned, this Court finds that the investigation has not been completed within a period of 30 days and even after three years, final report not filed. The very purpose of restricting persons gathering and complete the investigation within a period of thirty days been totally defeated in this case. Therefore, at this juncture, proceeding against this petitioner may not be appropriate and therefore, in exercise of power conferred under Section 528 of BNSS, the petition to quash the FIR in Cr.No.227 of 2021 is hereby quashed.

9. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

11.09.2024

Vv

To



CrI.OP.No.22267 of 2024

1. The Inspector of Police,
Pernambut Police Station,
Vellore District.

2. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



WEB COPY



CrI.OP.No.22267 of 2024

Vv

CrI.OP.No.22267 of 2024

11.09.2024