

MOHAMED FARVESH Vs state rep by

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Court : Chennai

Decided On : Mar-12-2026

Judge : Honourable Mr Justice M. Nirmal Kumar

Appeal No. : CRL OP/5055/2026

Appellant : Mohamed Farvesh

Respondent : state rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR and
Crl.M.P.Nos.3747 & 3751 of 2026 1.Mohamed Farvesh Director - Hijaz
Kuroda Gloves Company Pvt. Ltd., S/o.Ibrahim, DIN No.01282630 No.19,
Alangayam Cross Road, Perumalpet, Vaniyambadi - 635 752.
2.Mohamed Munir Director - Hijaz Kuroda Gloves Company Pvt. Ltd.,
S/o.Mohamed Jakkiriya, DIN No.01282630 No.19, Alangayam Cross
Road, Perumalpet, Vaniyambadi - 635 752. 3.Mohamed Yusuf, Director -

Hijaz Kuroda Gloves Company Pvt. Ltd., S/o.Ahmed Basha, DIN No.01282630 No.19, Alangayam Cross Road, Perumalpet, Vaniyambadi - 635 752.

4.Irsad Ahmed, Page No.1 of 9

Manager - Hijaz Kuroda Gloves Company Pvt. Ltd., S/o.Abdul Malick, No.341, Kathif Street, Periyapettai, Vaniyambadi. 5.Abid Hussain, Staff - Hijaz Kuroda Gloves Company Pvt. Ltd., S/o.Abdul Razack, rd No.49, 3 Street, Basheerabad, Vaniyambadi. ... Petitioners Vs. 1.The State, Rep. by The Inspector of Police, Vaniyambadi Town Police Station, Vellore - 635 752 (Crime No.1134 of 2020). 2.Mr.Pugalendhi, Revenue Inspector, Vaniyambadi - 635 752. ... Respondents PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the impugned Final Report dated 08.09.2020 in S.T.C.No.873 of 2025 on the file of the Judicial Magistrate, Vaniyambadi. For Petitioner : Mr.Ashwinkumar.A For R1 : Mr.Leonard Arul Joseph Selvam Additional Public Prosecutor

ORDER

The petitioners/accused in S.T.C.No.873 of 2025 facing trial for the Page No.2 of 9 offence under Sections 269, 353 and 270 IPC filed this quash petition.

2.The case against the petitioners is that the Revenue Inspector, Vaniyambadi on 02.05.2020 during Covid-19 restriction was keeping vigil over Vaniyambadi Town along with Village Administrative Officer and Village Assistant. When they came near Alangayam cross road, they found two lorries parked and unloading leather articles in Hijaz Kuroda Gloves Company Pvt. Ltd. They enquired the owner of the Company and the persons present therein including container lorry drivers and informed them that due to spread of epidemic, there are restrictions and no physical activities can be done outdoor, all are directed to be indoor and follow health protocol. But they refused, abused the Officers and

attempted to assault the public servants. Hence complaint lodged and a case in Crime No.1134 of 2020 for the offence under Sections 188, 269, 353 IPC, Sections 2,3 of Epidemic Diseases Act, 1897 and Section 561(b) of Disaster Management Act, 2005 registered. On conclusion of investigation, charge sheet made ready on 08.09.2020 but filed before the Trial Court on 16.05.2025 and the same taken on file in S.T.C.No.873 of 2025.

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3.The contention of the learned counsel for the petitioners is that the entire allegation proceeds on the premise that prohibitory order under Section 144 Cr.P.C. was in force on the date of the alleged occurrence but no such order was found either in the FIR or in the final report. He would submit that in the case of Jeevanandham and others vs. State rep. by the Inspector of Police and another reported in (2018) 2 LW.Crl. 606, procedures given as to how promulgation under Section 144 Cr.P.C. to be made but in this case, none of the conditions followed and further there is nothing to show that the petitioners were present and unloading goods, the petitioners were only present in the factory premises wearing mask and also maintaining distance. Further none of the persons present in the scene of occurrence suffered any epidemic attack. In such circumstances, merely making sweeping and bald allegation against them would not suffice. He further submitted that in this case the projected eye witnesses, namely, LW3 to LW6 and the observation mahazar witnesses are all public persons, who claim they were moving around the petitioners factory and saw unloading of leather goods and further stood as witness for observation mahazar and rough sketch and when there is Pandemic restriction for movement of all, how these persons were found near the place of occurrence, hence their Page No.4 of 9

presence is highly doubtful. He further submitted that the State Government in G.O.(Ms).No.176 Home (Courts-IV) Department dated 05.04.2022 withdrawn 8,98,948 cases filed during Covid-19 Pandemic period, but strangely this case which was filed during the same period, not withdrawn. Further, in this case it is shown that investigation completed as early as 08.09.2020 but cognizance taken five years thereafter, hence it is hit by Section 468 Cr.P.C. and there is no order for condoning the delay. Hence, prayed for quashing the case.

4.The learned Additional Public Prosecutor submitted that Revenue Inspector lodged a complaint, based on which FIR registered under IPC offences, Epidemic Diseases Act and Disaster Management Act, later charge sheet filed only for IPC offences. He fairly submitted that the occurrence taken place during Covid-19 Pandemic period, during this period almost all cases registered throughout Tamil Nadu was withdrawn invoking Section 321 Cr.P.C. by G.O.(Ms).No.176 Home (Courts-IV) Department dated 05.04.2022 and withdrawn all cases filed during Covid-19 pandemic period but this complaint by mistake was not withdrawn and fairly submitted that this case is covered under the said Government Order. He further submitted Page No.5 of 9

that cognizance taken with a delay of five years and hence, the case is hit under Section 468 Cr.P.C.

5.Considering the submissions made and on perusal of the materials, it is seen that the offence took place during Pandemic period and the Government issued G.O.(Ms).No.176 Home (Courts-IV) Department dated 05.04.2022 by invoking Section 321 Cr.P.C., withdrawn 8,98,948 cases but this case by mistake not withdrawn. The respondent police in all fairness ought to have filed application under Section 321 Cr.P.C. but not done so. The Trial Court ought to have seen that the case is hit by Section 468 Cr.P.C. Further, the prosecution fairly submitted that they

have not filed any condonation of delay petition, no condonation order passed prior to taking cognizance of case, hence taking cognizance is hit by limitation. Thus,

looking the case from any angle it is not sustainable both on law and on facts

and liable to be quashed. 6. Accordingly, the Criminal Original Petition stands allowed and as a sequel, the case in S.T.C.No.873 of 2025 on the file of the Judicial Magistrate, Vaniyambadi is quashed against the petitioners and also against Page No.6 of 9 two others, namely, Ganesan S/o.Thangasami and Velmurugan S/o.Esvaran though not filed any petition but stand on the same footing, hence case against all accused quashed. Consequently, connected miscellaneous petitions are closed. 12.03.2026

Speaking order/Non-speaking order

Index: Yes/No Neutral Citation: Yes/No cse Page No.7 of 9 To 1.The Judicial Magistrate, Vaniyambadi. 2.The Inspector of Police, Vaniyambadi Town Police Station, Vellore - 635 752. 3.Mr.Pugalendhi, Revenue Inspector, Vaniyambadi - 635 752. 4.The Public Prosecutor, High Court, Madras. Page No.8 of 9

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