

Case :- CRIMINAL MISC. WRIT PETITION No. - 5602 of 2020

Petitioner :- Munna And 6 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Dinesh Kumar Misra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Saumitra Dayal Singh,J.

Heard learned counsel for the petitioner and learned AGA for the State-respondent.

By means of the present petition, the petitioners are seeking for quashing of the first information report dated 04.05.2020 registered as Case Crime No.0401 of 2020, under Sections 188, 269 I.P.C., P.S.- Tajganj, District- Agra.

Only allegation against the petitioners in the first information report is that protocol of social distancing has not been followed by the crowd of 8 to 10 people, who were collected at a public place in Malko Gali, Tajganj Agra and the petitioners herein were members of the crowd.

Considering the above, we find that there is no allegation of any untoward incident having been occurred at the place. There is no doubt that the denizens of the city are under obligation to follow the protocol of social distancing in collective fight of the country with pandemic Covid-19. It is the responsibility of each and every person to be aware of the protocol and see that others follow it strictly. However, in our opinion restraining these persons who for some reason violated the protocol of social distancing may further aggravate the Corona crisis.

In our opinion, it would be more advisable to create awareness and consciousness amongst people rather than putting them in jails or lock ups which are already over crowded.

Moreover, the stand of the petitioners is that they were engaging in distribution to food packets amongst the poor persons in the locality during the lockdown and in the course of such distribution suddenly some people were collected on the spot. Even the petitioners made all efforts to disburse them.

Considering the above, we find that the first information report discloses commission of a cognizable offence but in order to

grant one opportunity to the petitioners to mend themselves, it is provided that they (each) shall file an undertaking before the Senior Superintendent of Police, Agra stating that they will follow all norms and protocol of Covid-19 and will not breach them in future. The Senior Superintendent of Police, Agra shall do the needful considering the undertaking given by the petitioners herein.

In view of the above directions, it is provided that the petitioners shall not be arrested in the aforesaid case till submission of the police report under Section 173(2) Cr.P.C. provided they cooperate with the investigation.

The writ petition is, accordingly, **disposed of**.

Order Date :- 19.6.2020

Himanshu