

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No. 26508 of 2018
and
CrI.M.P.Nos. 15235 & 15236 of 2018

Manikandan ...Petitioner

Vs.

State rep by its,
Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
(Crime No.152/2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records and quash the charge sheet filed in C.C.No.206/2018 pending on the file of the Judicial Magistrate No.II, Virudhachalam in so far as the petitioner's is concern.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition has been filed seeking to quash the final report filed in C.C.No.206 of 2018, on the file of the Judicial Magistrate No.II, Virudhachalam.

2. The learned counsel for the petitioner, apart from raising other grounds has raised one important issue which is covered by the Judgement of the Honourable Supreme Court in the case of Mohan Lal Vs. The State of Punjab, in CrI.A.No.1880 of 2011, dated 16.08.2018.

3. It is seen from the records that the F.I.R was registered by the Sub-Inspector of Police, Kammapuram Police Station, Cuddalore District and the same Officer has investigated the

case and has also filed a final report. Therefore, the entire investigation is vitiated. The facts of the case is squarely covered by the Judgement of the Supreme Court referred supra. The Honourable Supreme Court has held that the same person cannot be a complainant and also an investigating Officer.

4. In view of the above, the final report filed by the respondent Police is vitiated and the same is liable to be quashed by this Court. Accordingly, the proceedings in C.C.No.206 of 2018, on the file of the Judicial Magistrate No.II, Virudhachalam is here by quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rm/kmm

To

1.The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
(Crime No.152/2018)

2.The Public Prosecutor,
High Court,
Madras.

3. The Judicial Magistrate,
Virudhachalam.

+1cc to Mr.K.Gandhikumar, Advocate, S.R.No.78443

Crl.O.P.No. 26508 of 2018
and
Crl.M.P.No.15235 & 15236 of 2018

RK(CO)
SSM(06/12/2018)