

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.26794 & 22690 of 2018
and

Crl.M.P.Nos.15446, 15448, 12601 & 12602 of 2018

1.N.Murugesan

2.S.Mathiselvan

3.N.Pechimuthu

4.T.Venugopal

5.P.Madeswaran

6.Manoharan

7.R.Sivakumar

8.P.Ramasamy

9.R.Karthik

...Petitioners in Crl.O.P.No.26794
of 2018/Accused

1.M.Ezhil

2.A.Arul Senthilkumar

...Petitioners in Crl.O.P.No.22690
of 2018/A6 & A7

सत्यमेव जयते
Versus

The State by,
Inspector of Police,
Chithode Police Station,
Erode District,
Crime No.489 of 2018.

...Respondent/Complainant

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in S.T.C No.602 of 2018 on the file of the Judicial Magistrate Court No.III, Erode and quash the same.

(In both Crl.O.Ps)

For Petitioners : Mr.Sri.I.C.Vasudevan

For Respondent : Mr.C.Raghavan
Government Advocate [Crl. Side]

O R D E R

This petition has been filed seeking to quash the proceedings in S.T.C.No.602 of 2018, on the file of the Judicial Magistrate Court No.III, Erode.

2.The learned counsel for the petitioners submit that there are totally nineteen accused persons in this case and the petitioners in Crl.O.P.No.26794 of 2018 are arrayed as A1 to A5 and A8, A10, A12, A18 and the petitioners in Crl.O.P.No.22693 of 2018 have been added as A6 and A7 in the final report. The learned counsel apart from raising several other grounds, raised one important issue with regard to the entire investigation being vitiated in view of the fact that the complainant and the investigating officer is the same Police Officer. The learned counsel for the petitioners brought to the notice of this Court the judgement of the Hon'ble Supreme Court of India in the case of Mohan Lal Vs. The State of Punjab in Crl.A.No.1880 of 2011, dated 16.08.2018.

3.On perusal of the records, it is seen that the F.I.R was registered in this case on 08.08.2018 in Crime No.489 of 2018 by the Inspector of Police, Chithode Police Station, he was the complainant in this case. It is seen that the same police officer has also recorded the 161 statements and has also filed the final report. Therefore, the entire investigation stands vitiated in view of the judgment of the Hon'ble Supreme Court referred supra. Therefore, the entire proceedings, pending before the Court below is an abuse of process of Court and requires interference by this Court.

4.In the result, the proceedings in S.T.C No.602 of 2018, on the file of the Judicial Magistrate Court No.III, Erode is hereby quashed. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vv2/rm

To

1. The Judicial Magistrate, No.3, Erode.

2.The Inspector of Police,
Chithode Police Station,
Erode District.

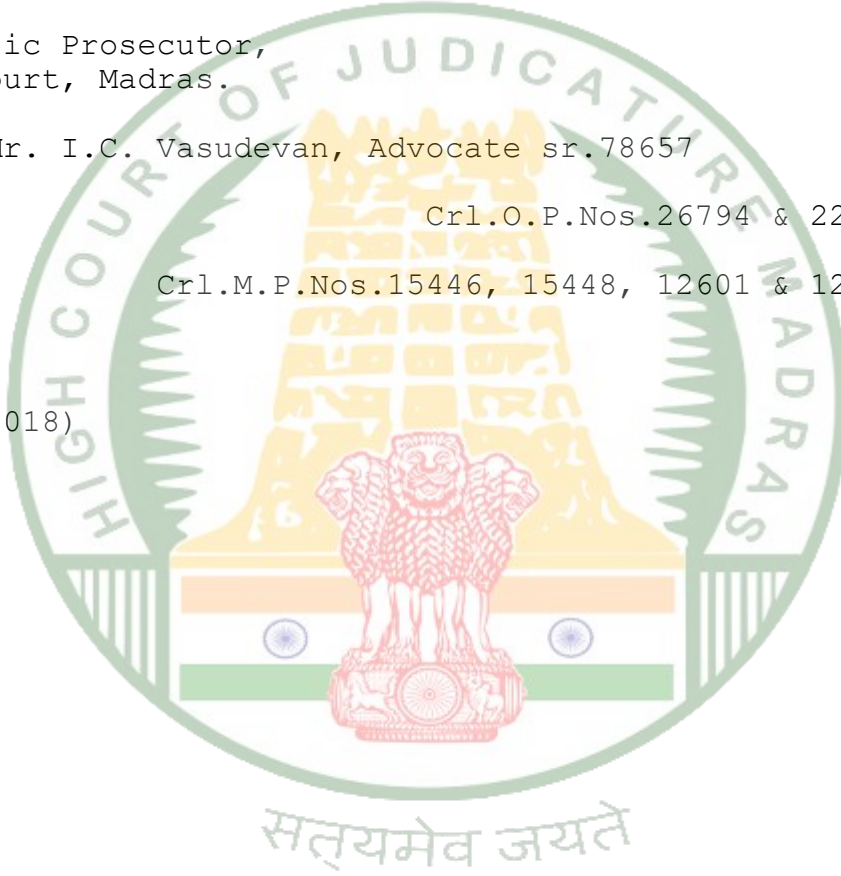
3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. I.C. Vasudevan, Advocate sr.78657

Crl.O.P.Nos.26794 & 22690 of 2018
and

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KJ(CO)
EU(07/12/2018)



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