

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29955 of 2018

and

Cr1.M.P.No.17604 of 2018

T.Ranjithkumar

: Petitioner

Vs.

The State rep by
Inspector of Police,
C-2, Race Course Police Station,
Coimbatore City.

: Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for records and quash the S.T.C. No.2723 of 2016 against Crime No.892 of 2016 on the file of the Judicial Magistrate Court No.III, Coimbatore.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in S.T.C. No.2723 of 2016, pending on the file of the learned Judicial Magistrate No.III, Coimbatore.

2.This petitioner is arrayed as A38 in the final report for an offence under Sections 143 and 341 of I.P.C.

3.It is seen from the records that the Complainant and the Investigating Officer is the same Police Officer. The person who had lodged the complaint has investigated this case and has also proceeded to file a final report.

4.The facts of this case is squarely covered by the judgment of the Hon'ble Supreme Court in Mohanlal Vs. State of Punjab reported in 2018 SCC Online Supreme Court 929, wherein the Hon'ble Supreme Court has categorically held that the informant and the investigator must not be same person and if it is done by the same person, the entire investigation will be vitiated.

5. Therefore, the proceedings as against this petitioner is an abuse of process of Court and the same requires interference by this Court in its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in S.T.C. No.2723 of 2016, pending on the file of the Judicial Magistrate No.III, Coimbatore, is hereby quashed, insofar as this petitioner is concerned. Accordingly, this Criminal Original petition is allowed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

ia/vsg1
To

1. The Judicial Magistrate No.III,
Coimbatore.
2. Do Thro Chief Judicial Magistrate
Coimbatore.
3. The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore City.
4. The Public Prosecutor,
High Court of Madras, Madras.

+1 CC to Mr.R.Subramanian, Advocate sr 89517.

सत्यमेव जयते

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RGN(CO)
SP(28/01/2019)

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