

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.29833 of 2018
and
CrI.M.P.Nos.17489 & 17490 of 2018

M.Amudhan ... Petitioner/A-1

vs.

1.The State Represented By
The Inspector of Police,
Maduranthakam Police Station,
Maduranthakam,
Kancheepuram District.
(Crime No.116 of 2018) ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.86 of 2018 on the file of the Court of Judicial Magistrate Maduranthakam and quash the same.

For Petitioner : Mr.M.Ganesh

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

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.86 of 2018 pending on the file of the Judicial Magistrate, Maduranthakam.

2. The respondent police filed a final report against the petitioner for an offence under Sections 379 and 285 of IPC.

3. The learned counsel for the petitioner would submit that the informant/complainant and the investigator is the same officer in this case and therefore the entire investigation is vitiated. In order to substantiate the said submission, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of Mohan Lal Vs State of Punjab reported in 2018 SCC Online SC 974.

4. It is seen from the records that the same officer has registered the FIR, took statements from witnesses and has also filed a final report in this case. Therefore, the entire investigation is vitiated. The judgment, that has been cited by the learned counsel for the petitioner, squarely applies to the facts of the present case.

5. In the result, proceedings in C.C.No.86 of 2018 is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dss

To

1. The Judicial Magistrate Court,
Maduranthakam.
- 2.The Inspector of Police,
Maduranthakam Police Station,
Maduranthakam,
Kancheepuram District.
3. The Public Prosecutor,
Madras High Court, Chennai.

+lcc to Mr.M.Ganesh, Advocate Sr.88489

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