



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.3587 of 2018

and

Crl.M.P (MD) Nos.1708 and 1709 of 2018

1. S.Subramanian
2. S.Arunachalam

... Petitioners/Accused Rank 1&2

Vs.

1. The Sub Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.
Crime No.287 of 2017

... Respondent

2. Karthik,
Sub Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.

... Respondent/Defacto
Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the STC No.145 of 2015 on the file of the Judicial Magistrate, Alangulam and quash the same.

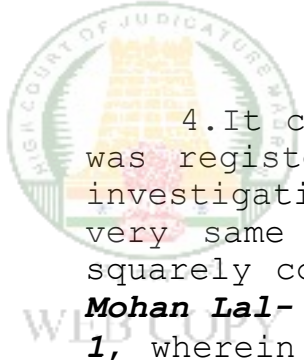
For Petitioners	: Mr.K.Sudalaiyandi
For Respondent-1	: Mr.M.Chandrasekaran
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash final report filed by the respondent police which has been taken on file in STC No.145 of 2018 on the file of the learned Judicial Magistrate, Alangulam.

2. The final report has been filed against the petitioner for an alleged offence under section 294(b) IPC.

3.The learned counsel for the petitioner would submit that in this case both the complainant as well as the investigating officer are the same.



4. It can be seen from records that the First Information Report was registered by the second respondent and he is conducting the investigation and he has also filed the final report. Therefore the very same investigation in this case is vitiated. This case is squarely covered by the judgment of the Honourable Supreme Court in **Mohan Lal- vs- The State of Punjab in Criminal Appeal No.1880 of 2011**, wherein the Honourable Supreme Court has categorically held that the foundation of the fair trial postulates that the informant and the investigator must not be the same person.

5. In view of the above the final report filed by the respondent police in STC No.145 of 2018 is hereby quashed and the Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Judicial Magistrate,
Alangulam
2. The Sub Inspector of Police
Uthumalai Police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.SUDALAIYANDI, ADVOCATE IN SR No. 89721

AAV

TE/SV/SAR-2 : 12/11/2018 : 2P/5C

Cr1.O.P. (MD) No.3587 of 2018 and
Cr1.M.P (MD) Nos.1708 and 1709 of 2018
10.10.2018