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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.18800 of 2018
and
Crl.M.P(MD) Nos.8391 and 8392 of 2018

1. K.N.Premkumar
2. K.R.Sridharan
3. Govindhan @ K.Govindaraj ... Petitioners/Accused Nos.4,5,6

-Vs.

1. The State Represented by its
The Sub Inspector of Police
Emaneswaram Police Station
Ramanathapuram District ...1st Respondent/Complainant

2.Muruganathan
Sub Inspector of Police
Emaneswaram Police Station
Ramanathapuram District ...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records in relating to the impugned charge sheet in C.C.No.134 of 2018 on the file of the learned Judicial Magistrate, Paramakudi and to quash the same insofar as the petitioners are concerned.

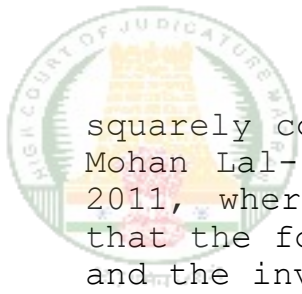
For Petitioners : Mr.M.S.Jeyakarthick
For Respondent : Mr.K.Suyambulinga Bharathi
No.1 Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.134 of 2018 pending on the file of the learned Judicial Magistrate, Paramakudi.

2. The learned counsel for the petitioner would submit that the case was investigated by the very same police who had registered the First Information Report and therefore the entire case is vitiated and the final report filed before the court below is unsustainable in law.

3. It can be seen from records that the First Information Report was registered by the second respondent and he has conducted the investigation and he has also filed the final report. Therefore the very 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.

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4. In view of the above the final report filed by the respondent police in C.C.No.134 of 2018 is hereby quashed and the Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The Judicial Magistrate,
Paramakudi.
2. The Sub Inspector of Police
Emaneswaram Police Station
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.M.S.Jeyakarthick, Advocate, SR.No. 91445

Cr1.O.P.(MD)No.18800 of 2018
24.10.2018

AAV

ES/SKN/RSK/SAR 1/12.12.2018/2P/5C