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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.11.2018
CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.(MD) No.19592 of 2018
and
Crl.M.P.(MD)No.8924 and 8925 of 2018

1.Jeyachandran
2.Vellaiyan @ Chinna Mookkandi ... Petitioners/Accused 1 and 2

Vs.

1.The State represented by
The Inspector of Police,
Karivalamvanthanalloor Police Station,
Tirunelveli District.
(In Crime No.176/2017) ...1st Respondent/Complainant

2.Anusha Manogari
Inspector of Police,
Karivalamvanthanalloor Police Station,
Tirunelveli District. ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in P.R.C.No.25 of 2017 pending on the file of the Judicial Magistrate Court, Sankarankovil, Tirunelveli District and quash the same.

For Petitioners : Mr.P.Krishnasamy
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Criminal Side)

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ORDER

This petition has been filed seeking to quash the proceedings in P.R.C.No.25 of 2017 pending on the file of the Judicial Magistrate Court, Sankarankovil, Tirunelveli District

2. The learned counsel for the petitioners 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 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

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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.

4. In view of the above the final report filed by the respondent police in P.R.C.No.25 of 2017 is hereby quashed and the Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-III)

To
1.The Judicial Magistrate,
Sankarankovil, Tirunelveli.

2.The Chief Judicial Magistrate,
Tirunelveli.

3.The Inspector of Police,
Karivalamvanthanalloor Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.KRISHNASAMY, Advocate, SR.No.94548

Crl.O.P.(MD) No.19592 of 2018
and
Crl.M.P.(MD)No.8924
and 8925 of 2018

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KK/RSK/SAR-3/07.12.2018/2P-6C

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