



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.20045 of 2018

and

Crl.M.P. (MD) .Nos.9221 and 9222 of 2018

Kingsly

.. Petitioner/4th Accused

-Vs-

State represented by
The Inspector of Police,
Thakkalai Police Station,
Kanyakumari District.
[Crime No.471 of 2009]

..Respondent/complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to in CC.No.52 of 2010, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District and quash the same insofar as it relates to the petitioner.

For Petitioner

: Mr.K.Rajeshwaran

For Respondent

: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in CC.No.52 of 2010, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District.

2.It is seen from records that the first informant as well as the Enquiry Officer are the same and therefore, the entire case is vitiated.

3.This case is squarely covered by the judgment of the Honourable Supreme Court of India, in **Mohan Lal .Vs. The State of Punjab**, in **Crl.A.No.1880 of 2011** dated 16.08.2018.

4.In the present case, the complainant is the Investigation Officer and also the person, who filed the final report is the same officer. Therefore, the entire investigation becomes vitiated as held by the Hon'ble Supreme Court in the judgment referred supra.

5. In the facts and circumstances of the case, the proceedings in CC.No.52 of 2010, on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District is hereby quashed and



accordingly, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-I)

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Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate No.I,
Padmanabhapuram,
Kanyakumari District.
2. The Chief Judicial Magistrate,
Kanyakumari District.
3. The Inspector of Police,
Thakkalai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Rajeshwaran, Advocate Sr.No.94401

DSK

VB/SKN/SAR1/04.12.2018/2P/6C

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