IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.01.2019

CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.753 of 2019
and
Crl.M.P.No.489 of 2019

R.Sriram : Petitioner

Vs.

The State rep by its
The Inspector of Police,
Ramanatham Police Station,
Cuddalore District. : Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records of the proceedings in FIR 163 of 2018 on the file of the respondent police and to quash the same as illegal and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

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

ORDER

This petition has been filed seeking to quash the FIR in Crime No.163 of 2018, registered against two accused persons for an offence under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Sections 379 and 430 of I.P.C.

2.The learned Additional Public Prosecutor would submit that the investigation was completed and final report was also filed on 15.10.2018 before the learned Judicial Magistrate, Thittakudi. The said final report is yet to be taken cognizance by the concerned Court.

3.It is seen from the records that the same police officer has registered the FIR and conducted the investigation and has also filed a final report. Therefore, the entire investigation is vitiated and the judgment of the Hon'ble Supreme Court in Mohanlal Vs. State of Punjab reported in 2018 SCC Online Supreme Court 929, will squarely apply to the facts of the present case. In the said Judgment, the Hon'ble Supreme Court has held that a fair investigation necessarily postulated that the informant and the investigator must not be the same person.

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4.In view of the above, the entire investigation is vitiated and consequently, the FIR registered in Crime No.163 of 2018, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. A copy of this order shall be marked to the learned Judicial Magistrate, Thittakudi, so that the final report filed by the respondent police is not taken cognizance, in view of the quashing of the very FIR itself. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ia/vsg1

To :

1.The Judicial Magistrate,
Thittakudi,

2.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.3604

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