

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1612 of 2019

and

Crl.M.P.No.1012 of 2019

Yesu

... Petitioner

Vs.

The State

Rep. by Inspector of Police

B4-Police Station

Sevviapet, Thiruvallur Dist.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of FIR in crime No.616 of 2018 and quash the same as against the petitioner/2nd Accused herein.

For Petitioner : Mr.K.Chandra Sekaran

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the FIR in C.C.No.616 of 2018. The FIR has been registered based on the complaint given by the Sub Inspector of Police of the 1st respondent Police Station for the offence under sections 379 and 430 IPC. The case was investigated by the very same Officer and the final report has also been filed by him before the learned Judicial Magistrate No.II, Tiruvallur, on 02.12.2018.

2. The facts of this case is squarely covered by the Judgement of the Hon'ble Supreme Court in [Mohanlal Vs.State of Punjab] reported in 2018 SCC Online SC, 974. The Hon'ble Supreme Court of India in the judgment referred supra has categorically held that the informant and the investigator cannot be the same person and the same vitiates the entire investigation.

3. In the result the FIR in C.C.No.616 of 2018 is hereby quashed and accordingly, this Criminal Original Petition is allowed. The learned Judicial Magistrate No.II, Tiruvallur is

directed not to take cognizance of the final report in view of the quashing of the FIR itself. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mpa/rka

To

1.The Judicial Magistrate No.II,
Tiruvallur.

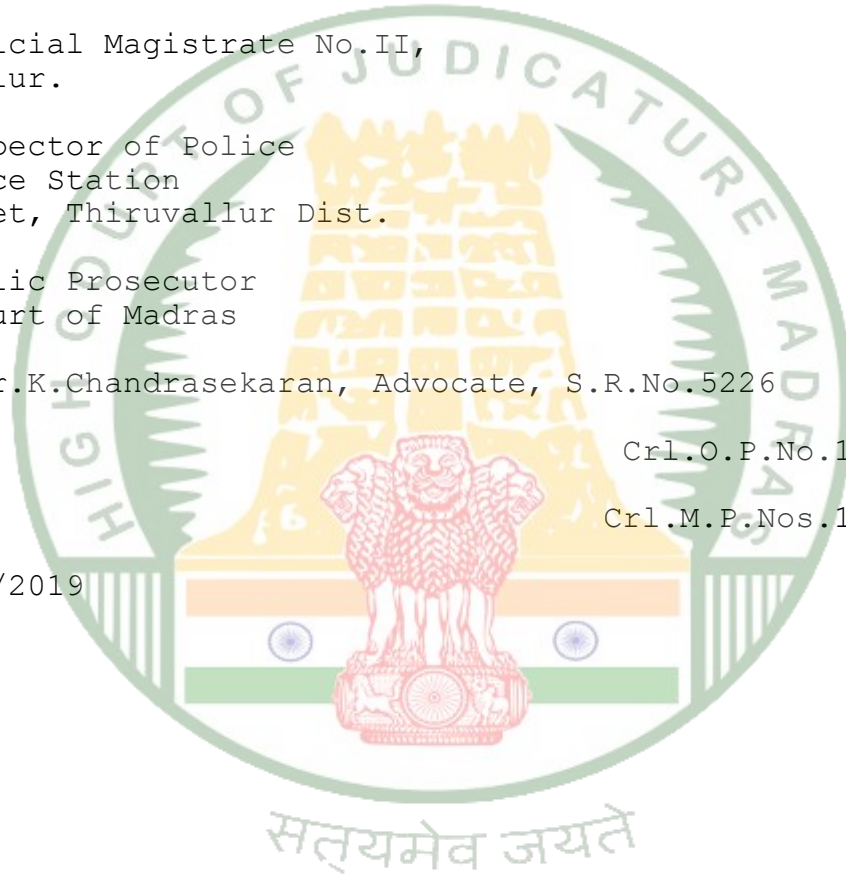
2.The Inspector of Police
B4-Police Station
Sevviapet, Thiruvallur Dist.

3.The Public Prosecutor
High Court of Madras

+1cc to Mr.K.Chandrasekaran, Advocate, S.R.No.5226

CrI.O.P.No.1612 of 2019
and
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rrs 08/02/2019



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