

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1099 of 2019
and
Crl.M.P.Nos.701 & 703 of 2019

Shridhar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.

...Respondent

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the case in C.C.No.89 of 2018, on the file of the learned District and Sessions Court, Coimbatore and quash the final report as against the petitioner herein.

For Petitioner : Mr.A.Raghunathan (Sr. Counsel)
for Mr.M.Rajavelu

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

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.89 of 2018, on the file of the learned District and Sessions Court, Coimbatore.

2. This petitioner has been added as A2 in the final report. This petitioner has been made as an accused only on the ground that the police seized a sum of Rs.2,550/- from the petitioner, which, according to the respondent police, was the money that was received by the petitioner after sale of Ganja.

3. There is no witness, who spoke about the connection between the money seized from the petitioner and the alleged sale of Ganja.

4. Mr.A.Raghunathan, learned Senior Counsel appearing for the petitioner submitted that this petitioner is academically outstanding and he has been unnecessarily ropped in this case. The learned Senior Counsel further submitted that the informant

and the investigator is the same police official and therefore, the entire investigation is vitiated in this case.

5. The learned Additional Public Prosecutor submitted that the money has been seized from the petitioner and the prosecution will establish before the Court below, during the course of trial, that this money was in possession of the petitioner only after sale of Ganja.

6. The proceedings before the Court below has to be interfered on the simple ground that the informant and the investigator is the same police officer and as a result of the same, the entire investigation is vitiated. Facts of this case is squarely covered by the Judgment of the Hon'ble Supreme Court in Mohanlal Vs. State of Punjab reported in 2018 SCC Online Supreme Court 929.

7. In view of the above, the continuation of the proceedings as against this petitioner will amount to abuse of process of Court.

8. In the result, the proceedings in C.C.No.89 of 2018, on the file of the learned District and Sessions Court, Coimbatore, is hereby quashed, insofar as this petitioner is concerned. Accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

nmm/dss

To

1.The District and Sessions Court,
Coimbatore.

2.The Inspector of Police,
Peelamedu Police Station,
Coimbatore District.

3.The Public Prosecutor,
Madras High Court, Chennai.

+2 Ccs to Mr.M.Rajavelu, Advocate sr 6830.

Cr1.O.P.No.1099 of 2019
and

Cr1.M.P.Nos.701 & 703 of 2019

SP(07/02/2019)