

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1803 of 2019
and Crl.M.P.Nos.1099 and 1100 of 2019

Arivalagan

...Petitioner

Vs.

State Rep by its
The Sub Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.555 of 2018 pending on the file of Judicial Magistrate Court No.I, Nagapattinam and quash the same as illegal and without jurisdiction.

For Petitioners : M/S.I.Abdul Basith

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

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceeding in S.T.C.No.555 of 2018 pending on the file of Judicial Magistrate Court No.I, Nagapattinam.

2. The learned counsel for the petitioner apart from raising several other grounds also raised the ground that the complainant and the investigating officer in this case is the same police officer. Therefore, the entire investigation itself is vitiated. In order to substantiate the said submission, the learned counsel for the petitioner relied upon a judgment of the Hon'ble Supreme Court of India in Mohanlal Vs.State of Punjab reported in 2018 SCC online SC, 974.

3. It is seen from records that the same police officer, who has registered the FIR has also conducted the investigation. This has virtually vitiated the entire investigation. 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. The facts of the case is squarely covered by the judgment of the Hon'ble Supreme Court.

4. In the result, the proceedings in S.T.C.No.555 of 2018, pending on the file of Judicial Magistrate Court No.I, Nagapattinam, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

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Sub Assistant Registrar

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To

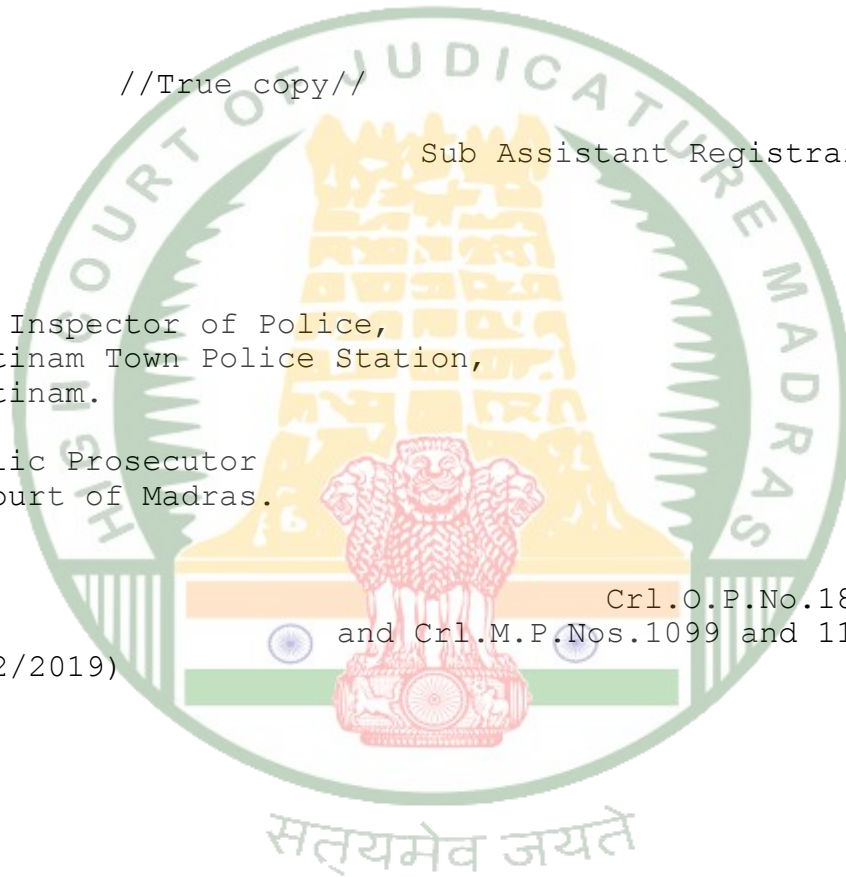
1.The Sub Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

2.The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.1803 of 2019

and Cr1.M.P.Nos.1099 and 1100 of 2019

GMV (07/02/2019)



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