

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2165 of 2019

and

Crl.M.P.Nos.1379 & 1381 of 2019

Mr.Saleem Jaffer ... Petitioner/A5

Vs.

State Rep. by its
The Inspector of Police,
F-2, Egmore Police Station,
Chennai. ... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.8673 of 2017 pending on the file of the learned XIV Metropolitan Magistrate Court, Egmore, Allikulam, and quash the same.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the proceeding in C.C.No.8673 of 2017 pending on the file of the learned XIV Metropolitan Magistrate Court, Egmore, Allikulam.

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 C.C.No.8673 of 2017 pending on the file of the learned XIV Metropolitan Magistrate Court, Egmore, Allikulam, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

dss

To

1. The XIV Metropolitan Magistrate Court,
Egmore, Allikulam.

2.The Inspector of Police,
F-2, Egmore Police Station,
Chennai.

3. The Public Prosecutor,
Madras High Court.

+1cc to Mr.I.Abdul Basith, Advocate SR.No.7668

CrI.O.P.No.2165 of 2019

EV(CO)
GMY(19/02/2019)