

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2019

Coram

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4746 of 2019

and

Crl.M.P.No.2816 of 2019

1. Shanmugam ... 1st Petitioner/1st Accused
2. Ramakrishnan ... 2nd Petitioner/2nd Accused

Vs.

1. State rep. by  
Inspector of Police,  
Ramanatham Police Station,  
Cuddalore District. ... Respondent / Complainant

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with in C.C.No. unknown of 2019 in Cr.No.193/2018 on the file of Inspector of Police, Ramanatham Police Station, Cuddalore District and quash the charges against the petitioners.

For Petitioners: Mr.P.Saravanan

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

ORDER

This Criminal Original Petition has been filed seeking to quash the charges against the petitioners in C.C.No. unknown of 2019 in Cr.No.193/2018 on the file of Inspector of Police, Ramanatham Police Station, Cuddalore District.

2. The learned Additional Public Prosecutor would submit that the investigation was completed and final report was also filed on 27.09.2018 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.

4. In view of the above, the entire investigation is vitiated and consequently, the FIR registered in Crime.No.193 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/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Inspector of Police,  
Ramanatham Police Station,  
Cuddalore District.
2. The Public Prosecutor,  
High Court, Madras.

Copy To

The Judicial Magistrate, सत्यमेव जयते  
Thittakudi.

Cr1.O.P.No.4746 of 2019  
and  
Cr1.M.P.No.2816 of 2019

VG I(CO)  
GN(29/03/2019)

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