

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.03.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.6280 of 2019
and
Crl.M.P.Nos.3487 & 3488 of 2019

Karthikeyan

...Petitioner

Vs.

The State rep by
The Sub Inspector of Police
Kattumannarkoil Police Station
Kattumannarkoil
Cuddalore District
(Crime No.280/2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records and quash the charge sheet in C.C.No.124/2018 on the file of the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District.

For Petitioner :Mr.C.Pugazhenth

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

O R D E R

This Criminal Original petition has been filed by the petitioner to call for the records and quash the charge sheet in C.C.No.124/2018 on the file of the learned District Munsif cum Judicial Magistrate, Kattumannarkoil, Cuddalore District.

2. The learned counsel for the petitioner, apart from raising other grounds has raised one important issue which is covered by the Judgement of the Honourable Supreme Court in the case of Mohan Lal Vs. The State of Punjab, in Crl.A.No.1880 of 2011, dated 16.08.2018.

3. It is seen from the records that the F.I.R was registered by the Sub-Inspector of Police, Kattumannarkoil Police Station, Cuddalore District and the same Officer has investigated the case and has also filed a final report. Therefore, the entire investigation is vitiated. The facts of

the case is squarely covered by the Judgement of the Supreme Court referred supra. The Honourable Supreme Court has held that the same person cannot be a complainant and also an investigating Officer.

3. In view of the above, the final report filed by the respondent Police is vitiated and the same is liable to be quashed by this Court. Accordingly, the proceedings in C.C.No.124 of 2018, on the file of the District Munsif Cum Judicial Magistrate Court, Kattumannarkoil, Cuddalore District is hereby quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Sub Inspector of Police
Kattumannarkoil Police Station
Kattumannarkoil
Cuddalore District
(Crime No.280/2018)

2.The Public Prosecutor
High Court of Madras

3.The District Munsif Cum
Judicial Magistrate,
Kattumannarkoil,
Cuddalore District.

+1cc to Mr.C.Pugazhenth, Advocate sr.no.22341

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nr 04/04/2019