

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8312 of 2019

and

Crl.M.P.No.4451 of 2019

B.Gopal

... Petitioner/Accused

Vs.

The Union of India,
represented by its Assistant Sub Inspector of Police,
Railway Protection Force,
Tondiarpet (M) Yard,
Chennai-600 019.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records of the proceedings in C.R.C 1796 of 2018 on the file of the Special Railway Metropolitan Magistrate Court, Chennai 600 003 and to quash the same.

For Petitioner : Mr.Govind Chandrasekhar

For Respondents: Mr.C.Raghavan

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking to quash the C.R.C 1796 of 2018 pending on the file of the Special Railway Metropolitan Magistrate Court, Chennai.

2.The respondent police have registered an FIR against the petitioner for an offence under section 143 (i) (a) of the Railways Act, 1989.

3.It is seen from the records that the officer, who had registered the FIR, the officer, who had conducted the investigation and the officer, who had filed a final report, is the same Officer.

4.The learned counsel for the petitioner would submit that 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.

5.The final report filed by the respondent police has to be quashed since the informant, the investigation officer and the person, who had filed a final report are the same in this case. The Hon'ble Supreme Court in the above judgment has held that the informant and the investigation officer must not be the same person and if it is the same person, it vitiates the entire investigation.

6.The facts and circumstances of the case is squarely covered by the judgment of the Hon'ble Supreme Court referred supra.

7.In the result, the proceedings in C.R.C 1796 of 2018 on the file of the Special Railway Metropolitan Magistrate, Egmore, Chennai is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

mpa/vsn

To

1.The Special Railway Metropolitan Magistrate Court,
Chennai.

2. The Assistant Sub Inspector of Police,
Railway Protection Force,
Tondiarpet (M) Yard,
Chennai-600 019.

3. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.Govind Chandrasekhar, advocate sr 30539.

CRL.O.P.No.8312 of 2019

SR(CO)
SP(06/05/2019)