

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.07.2019

CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.11893 of 2019
in Crl.M.P.No.6165 of 2019

1.K.Pradeep Kumar

...Petitioner/Accused

-Vs-

1.State rep by its

The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
(Crime No.178 of 2018)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records connected of FIR in Crime No.178 of 2018, on the file of the Inspector of Police, Ramanatham Police Station, Cuddalore District and quash the same against the petitioner.

For Petitioner : M/s.P.Saravanan

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

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.178 of 2018.

2. During the pendency of this petition, it was brought to the notice of this Court that the final report has also been filed by the respondent police, after the completion of the investigation, before the Judicial Magistrate, Thittakudi on 09.09.2018.

3. The learned counsel for the petitioner submitted that in this case, the complainant and the Investigating Officer are the same and the case is squarely covered by the judgment of the Hon'ble Supreme Court of India reported in Mohanlal Vs.State of Punjab in 2018 SCC online SC 974. The learned counsel further submitted that the informant and the investigator must not be the same person and in the present case, since the informant and the investigator are the same person, the investigation itself is vitiated.

4. The learned Additional Public Prosecutor submitted that even though the informant had conducted the investigation, it was conducted in an unbiased manner.

5. Taking into consideration, the facts and circumstances of the case and the submissions made on either side, this Court is of the considered view that the present case is covered by the decision of the Supreme Court of India reported in Mohanlal Vs.State of Punjab in 2018 SCC online SC 974, referred supra. Even in the subsequent judgment of the Hon'ble Supreme Court in Varindhan Kumar Vs. State of Himachal Pradesh, it has been categorically held that the law laid down in Mohanlal Vs.State of Punjab in 2018 SCC online SC 974, will only apply to all those cases raising after the judgment and the judgment in Mohanlal case was delivered on 06.08.2018. The final report in this case has been filed on 09.09.2018. Therefore, the judgment in Mohanlal case will squarely apply to the facts of the present case.

6. In view of the above, the FIR in Crime No.178 of 2018 and the consequent final report that was filed before the Judicial Magistrate, Thittakudi, on 09.09.2018 is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

2.The Judicial Magistrate, Thittakudi.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Saravanan, Advocate, S.R.No.58639

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SKV(CO)
RRS(13/08/2019)