

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM:

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

Crl.O.P.No.11408 of 2019 and

Crl.M.P.Nos.5889 & 5890 of 2019

KrishnarajPetitioner/Accused-1

Vs.

State Rep. by,
The Sub-Inspector,
Selvapuram Police Station,
Coimbatore. Respondent/Complainant

Prayer : Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in S.T.C.No.1850 of 2018 on the file of the Judicial Magistrate No.5, Coimbatore and quash the same.

For Petitioner : Mr.M.Shahjahan

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

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.1850 of 2018, on the file of the Judicial Magistrate Court No.V, Coimbatore.

2.The learned counsel for the petitioner submit that there are totally four accused persons in this case and the petitioner is arrayed as A1 in the final report. The learned counsel apart from raising several other grounds, raised one important issue with regard to the entire investigation being vitiated in view of the fact that the complainant and the investigating officer is the same Police Officer. The learned counsel for the petitioner brought to the notice of this Court the judgement of the Hon'ble Supreme Court of India in the case of Mohan Lal Vs. The State of Punjab in Crl.A.No.1880 of 2011, dated 16.08.2018.

3.On perusal of the records, it is seen that the F.I.R was registered in this case on 08.06.2018 in Crime No.680 of 2018 by the Sub-Inspector of Police, Selvapuram Police

Station, Coimbatore and he was the complainant in this case. It is seen that the same police officer has also recorded the 161 statements and has also filed the final report. Therefore, the entire investigation stands vitiated in view of the judgment of the Hon'ble Supreme Court referred supra. Therefore, the entire proceedings, pending before the Court below is an abuse of process of Court and requires interference by this Court.

4. In the result, the proceedings in S.T.C No.1850 of 2018, on the file of the Judicial Magistrate Court No.V, Coimbatore is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate Court No.V,
Coimbatore.

2. The Sub-Inspector,
Selvapuram Police Station,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

C.C. to M/S.M.Shajahan Advocate SR.NO. 41766

SV (CO)

VS 31.05.2019

Crl.O.P.No.11408 of 2019

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