

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.11986 of 2019

and

CrI.M.P.Nos.6214 and 6215 of 2019

- 1.Sivaraman
- 2.Perumal
- 3.Pandiyan
- 4.Nagaraj
- 5.Visvanatha
- 6.Sivakumar
- 7.Deepanathan
- 8.Anandhan
- 9.Manibalan
- 10.Sukumar

... Petitioners

Vs.

1. State rep by
The Inspector of Police,
Thellar Police Station,
Thiruvanamalai District.

2. R.Sasikumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in STC.No.202 of 2019 on the file of the learned Judicial Magistrate at Vandavasi and to quash the same.

सत्यमेव जयते

For Petitioners : Mr.Thirumoorthy R.

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor for R1

ORDER

The Criminal Original Petition has been filed by the petitioner under Section 482 Cr.P.C. to call for the records in STC.No.202 of 2019 on the file of the learned Judicial Magistrate at Vandavasi and to quash the same.

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 Inspector of Police, Thellar Police Station, Thiruvannmalai 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 S.T.C.No.202 of 2019, on the file of the learned Judicial Magistrate at Vandavasi, is hereby quashed.

4.Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-V)

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To

Sub Assistant Registrar

1. The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.

2. The Judicial Magistrate,
Vandavasi.

3. The Public Prosecutor
High Court of Madras

+1 cc to M/s.R.Thirumoorthy, Advocate, S.R.No.42385

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PPA (CO)
SSM(19/06/2019)