

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12026 of 2019
and
Crl.M.P.Nos.6232 and 6236 of 2019

1.Balamurugan
2.Veerapandiyan

.... Petitioners/Accused

Vs.

The State rep by
The Inspector of Police,
Bhuvanagiri Police Station,
Bhuvanagiri,
Cuddalore District.
(Cr.No.160 of 2018)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the charge sheet in CC.No.13 of 2019 on the file of District Munsif cum Judicial Magistrate Court, Portnovo, Cuddalore District.

For Petitioners : Mr.G.Pugazhenth

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

ORDER

The Criminal Original Petition has been filed by the petitioner under Section 482 Cr.P.C. to call for the records and quash the charge sheet in CC.No.13 of 2019 on the file of District Munsif cum Judicial Magistrate Court, Portnovo, 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 Inspector of Police, Bhuvanagiri Police Station, Bhuvanagiri, 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.

4. 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.13 of 2019, on the file of the District Munsif Cum Judicial Magistrate Court, Portnovo, Cuddalore District, is here by quashed.

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

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Munsif Cum Judicial Magistrate Court,
Portnovo, Cudallore.

2.The Inspector of Police,
Bhuvanagiri Police Station,
Bhuvanagiri,
Cuddalore District.

3.The Public Prosecutor
High Court of Madras.

+1cc to M/S.G.Pugazhenthii, Advocate Sr.43082

Cr1.O.P.No.12026 of 2019
and

Cr1.M.P.Nos.6232 and 6236 of 2019

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srg 31/05/2019