

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18299 of 2019

and

Crl.M.P Nos.9275 & 9276 of 2019

Venkatraman

Petitioner

vs.

The State rep.by
The Sub Inspector of Police,
Uthiramerur Station,
Kancheepuram District.

Respondent

Crl.No.27/2019

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Calendar Case in C.C.No.45 of 2019, on the file of the learned District Munsif cum Judicial Magistrate, Uthiramerur, quash the same.

For Petitioner : Mr.G.Magesh Kumar

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

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.45 of 2019, on the file of the learned District Munsif cum Judicial Magistrate, Uthiramerur.

2.It is seen from records that the FIR was registered by the Sub Inspector of Police of Uthiramerur Police Station on 01.02.2019. The same Officer has proceeded to record the statement of the witnesses and completed the investigation. At the time when the Final Report was filed, the entire file was handed over to one D.Muralidharan, Sub Inspector of Police, who took charge at that point of time. The Final Report was filed for an offence under Section 430 & 379 of IPC.

3.By pointing out to the above facts, the learned

counsel for the petitioner submitted that the entire investigation is vitiated, since the informant and the investigator is the same Officer and the case is squarely covered by the judgment of the Hon'ble Supreme Court in Mohanlal .Vs. State of Punjab reported in 2018 SCC Online SC 974. The learned counsel submitted that the judgment was delivered by the Hon'ble Supreme Court on 16.08.2018, and the later judgment of the Hon'ble Supreme Court in Varinder Kumar .Vs. State of Himachal Pradesh reported in 2019 SCC Online SC 170 has also confirmed that the dictum in Mohanlal case will apply to all cases after the judgment was passed in Mohanlal case. In this case, the Final Report was filed before the Court below on 26.02.2019, and therefore the judgment of Mohanlal, referred supra will squarely apply to the facts of the present case.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent Police.

5. Taking into consideration the facts and circumstances of the case and the materials available on record, it is seen that a fair investigation has not been conducted in this case and the informant and the investigator is the same Police Officer. Therefore, this case is squarely covered by the judgment of the Hon'ble Supreme Court in Mohanlal referred supra.

In the result, the proceedings in C.C.No.45 of 2019, on the file of the learned District Munsif cum Judicial Magistrate, Uthiramerur, is hereby quashed. This Criminal Original Petition is accordingly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Sub Inspector of Police,
Uthiramerur Station,
Kancheepuram District.

2. The District Munsif cum
Judicial Magistrate,
Uthiramerur.

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3. The Public Prosecutor,
High Court of Madras.
Madras.

+1cc to Mr.G.Magesh Kumar, Advocate, S.R.No.59485

Cr1.OP No.18299 of 2019

EV(CO)
GN(01/08/2019)



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