

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.21761 of 2019
and CrI.M.P.Nos.11299 & 11301 of 2019

1. Velu
2. Sowndarrajan
3. Seviyar
4. Selvaraj
5. Shanmugam
6. Anandhan
7. Ponnusamy
8. Radhakrishnan
9. Saravanan
10. Rajakumar
11. Allavudin
12. Nagarajan
13. Ravichandran
14. Murugan
15. Chandrasekar

... Petitioners

vs.

The State by
Inspector of Police,
Chithode Police station,
Erode District

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, pleaded to call for the records pertaining to the case in S.T.C.No.1595 of 2019 on the file of learned Judicial Magistrate Court No.III, Erode and quash the same.

For Petitioners: Mr.C.Vasudevan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in S.T.C.No.1595 of 2019 pending on the file of the learned Judicial Magistrate Court No.III, Erode.

2. The final report has been filed by the respondent police after the completion of the investigation for an offence under Sections 8 and 9 of the Tamil Nadu Gaming Act, 1930.

3. The learned counsel for the petitioner submitted that the entire investigation is vitiated, since the informant and the investigator is the same officer and therefore, the case is covered by the Judgement of the Hon'ble Supreme Court in [Mohanlal Vs.State of Punjab] reported in 2018 SCC Online SC, 974. The learned counsel further submitted that the subsequent judgement of the Hon'ble Supreme Court in [Varinder Kumar Vs. State of Himachal Pradesh] will also apply to this case, since this judgement has given prospective operation to the Judgement of Mohanlal and the final report itself has been filed only on 01.07.2019.

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

5. This Court is completely in agreement with the submissions made by the learned counsel for the petitioner. The entire investigation is vitiated, since the informant and the investigating officer is the same police officer. This case is squarely covered by the Judgement of the Hon'ble Supreme Court referred supra.

6. In the result, the proceedings in S.T.C.No.1595 of 2019 on the file of learned Judicial Magistrate No.III, Erode is hereby quashed and accordingly, this Criminal Original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

rka

To

1.The learned Judicial Magistrate Court No.III, Erode

2.Do Thro The Chief Judicial Magistrate, Erode District

3. The State by

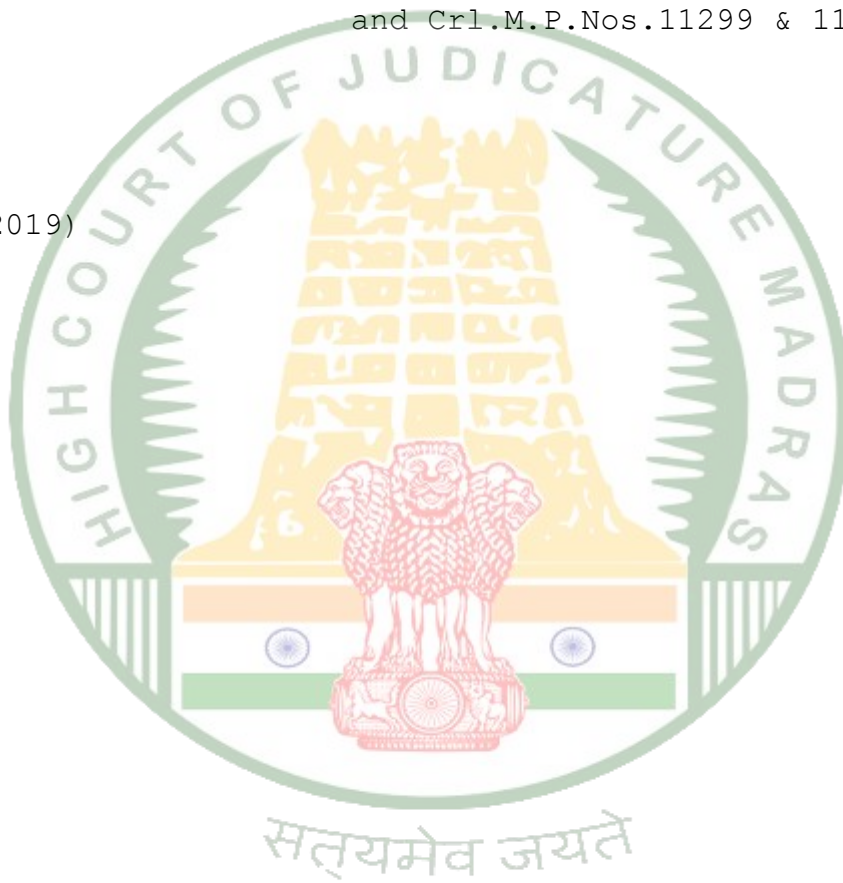
Inspector of Police,
Chithode Police station,
Erode District

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

+1 CC to Mr.I.C. Vasudevan, Advocate sr 68882.

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NR(CO)
SP(21/08/2019)



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