

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.23215 of 2019
and
Crl.M.P.Nos.12179 & 12180 of 2019

1.Muhamed Akbar Ali
2.Nurul Ameen
3.Muhamed Ifrahim
4.Haja Alaudeen
5.Maideen
6.Shadeen

... Petitioners

-vs-

State Rep. by its
The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

.... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in S.T.C.No.76/2019 pending on the files of Judicial Magistrate Court-I, Nagapattinam and quash the same as illegal and without jurisdiction.

For Petitioners : Mr.I.Abdul Basith

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

ORDER

This petition has been filed seeking to quash the proceedings in S.T.C.No.76 of 2019, on the file of the Judicial Magistrate Court-I, Nagapattinam.

2.The final report has been filed against the petitioners for an offence under Sections 143 and 341 of IPC.

3.The learned counsel for the petitioners submitted that the informant and the investigator is the same officer and

therefore the entire investigation is vitiated. To substantiate his submission, the learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in Mohanlal vs. State of Punjab reported in 2018 SCC Online SC 974.

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

5. This Court is in agreement with the submissions made by the learned counsel for the petitioners. The facts of this case is squarely covered by the judgment of the Hon'ble Supreme Court in Mohanlal vs. State of Punjab wherein, the Hon'ble Supreme Court has categorically held that a fair investigation necessarily postulates that the informant and the investigator must not be the same person.

6. In view of the above, the proceedings in S.T.C.No.76 of 2019, is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

1. The Judicial Magistrate No.I,
Nagapattinam.

2. -do-Thro'the Chief Judicial Magistrate,
Nagapattinam.

3. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

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

CRL.O.P.No.23215 of 2019
and

CrI.M.P.Nos.12179 & 12180 of 2019

MP(CO)
CB(01/10/2019)