

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23127 of 2019
and Crl.M.P.Nos.12114 & 12116 of 2019

1. Madhan Mohan

2. Yuvaraj

3. Vinoth Kumar

4. Venkadesh

5. Jegathesan

6. Rathinakumar

7. S.K.Raj

.... Petitioners

vs.

1. The State rep. by
The Inspector of Police,
F-1, Chintadripet Police Station,
Chennai.
(Crime No.133 of 2018)

2. Mareeswaran,
Sub-Inspector of Police,
F-1, Chintadripet Police Station,
Chennai.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for records and quash the proceedings in C.C.No.6009 of 2018, pending on the file of the learned XIV Metropolitan Magistrate court, Egmore at Chennai.

For Petitioners : Mr.Mohana Krishnan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.6009 of 2018, pending on the file of the learned XIV Metropolitan Magistrate court, Egmore at Chennai.

2.The respondent police registered an FIR against the accused persons under Section 143, 188 and 353 of IPC. After the completion of the investigation, a final report was filed before the Court below for an offence under Section 143, 188, 353 of IPC and under Section 41(6) of Tamilnadu City Police Act 1888 r/w under Section 7(1)(a) of Criminal Law Amendment Act 2005 and 290 of IPC.

3.The learned counsel appearing on behalf of the petitioners submitted that the final report filed before the Court below is liable to be quashed on the two grounds. The first ground raised by the learned counsel for the petitioners is that the respondent police ought not to have conducted an investigation by registering an FIR under Sections 143, 188 and 353 of IPC. In order to substantiate his submission, the learned counsel relied upon by this Court in 2018 2 LW (Cr1) 606 [Jeevanandham and others Vs. State Rep. by Inspector of Police and another].

4.The second ground raised by the learned counsel for the petitioners is that the informant and the investigator in this case is the same police officer. The learned counsel further submitted that the police officer apart from being the informant has also recorded the statements given by the witnesses and has also filed a final report and the entire investigation is vitiated. The learned counsel in order to substantiate his statements relied upon the judgment of the Hon'ble Supreme Court in Mohanlal vs. State of Punjab and Varinderkumar vs. State of Himachal Pradesh.

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

6.This Court has carefully considered the submissions made on either side and also the materials available on record.

7.This Court finds force in the submission made by the learned counsel for the petitioners. The issues that have been raised in this petition are squarely covered by the judgment cited by the learned counsel for the petitioners. The entire investigation is vitiated since the informant became the investigator in this case.

8.In view of the above, the proceeding in C.C.No.6009 of 2018 on the file of the learned XIV Metropolitan Magistrate court, Egmore at Chennai is hereby quashed. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

ssr

To

1. The XIV Metropolitan Magistrate court
Egmore, Chennai.

2. The State rep. by
The Inspector of Police,
F-1, Chintadripet Police Station,
Chennai.

3. The Public Prosecutor
High Court, Madras.

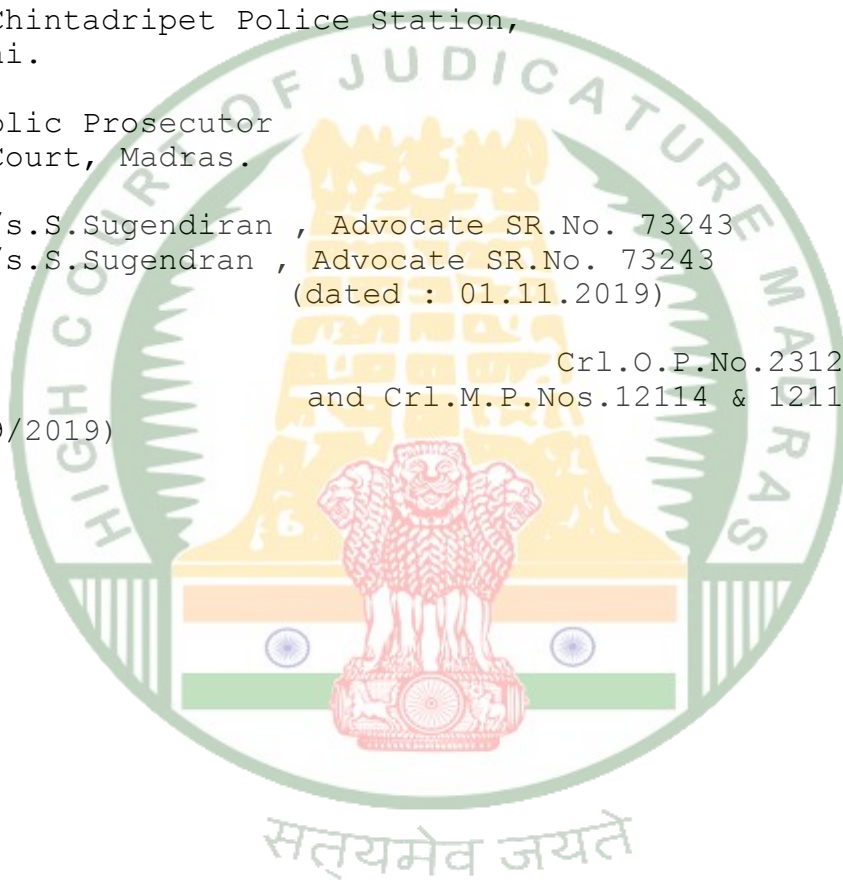
+1cc to M/s.S.Sugendiran , Advocate SR.No. 73243

+1cc to M/s.S.Sugendran , Advocate SR.No. 73243

(dated : 01.11.2019)

Cr1.O.P.No.23127 of 2019
and Cr1.M.P.Nos.12114 & 12116 of 2019

A.SK(25/09/2019)



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