

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.23304 of 2019

and

CrI.M.P.Nos.12230 & 12231 of 2019

1.Balaji
2.Anandan

... Petitioners

-vs-

1.The Sub Inspector of Police,
G-2, Uthiramerur Police Station,
Uthiramerur, Kanchipuram District.
(Cr.No.305/2018)

2.K.Murali ... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in C.C.No.42 of 2019 pending Trial on the file of the Learned Judicial Magistrate, Uthiramerur, Kanchipuram District and quash the same.

For Petitioners : Mr.K.G.Senthil Kumar

For Respondent : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.42 of 2019, on the file of the Judicial Magistrate, Uthiramerur, Kanchipuram District.

2.The final report has been filed against the petitioners for an offence under Sections 430 and 379 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 C.C.No.42 of 2019, is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Judicial Magistrate,
Uthiramerur, Kanchipuram District

2. Do thro the Chief Judicial Magistrate,
Kanchipuram District

3. The Sub Inspector of Police,
G-2, Uthiramerur Police Station,
Uthiramerur, Kanchipuram District.

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

+1cc to Mr.K.G.Senthil kumar , Advocate SR.No. 73980
CRL.O.P.No.23304 of 2019
and

CrI.M.P.Nos.12230 & 12231 of 2019

A.SK(18/09/2019)