

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.3847 of 2017
and CrI.M.P.No.2824 of 2017

1.Monish Jain
2.Anish Jain

...Petitioners

Vs.

State by Inspector of Police,
(Law & Order),
J-5, Sastri Nagar Police Station,
Besant Nagar,
Chennai-90.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to quash the charge sheet filed in C.C.No.6071 of 2016 on the file of IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioners : M/S.K.Subburam

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

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceeding in C.C.No.6071 of 2016, pending on the file of IX Metropolitan Magistrate, Saidapet, Chennai.

2. The learned counsel for the petitioners apart from raising several other grounds also raised the ground that the complainant and the investigating officer in this case is the same police officer. Therefore, the entire investigation itself is vitiated. In order to substantiate the said submission, the learned counsel for the petitioner relied upon a judgment of the Hon'ble Supreme Court of India in Mohanlal Vs.State of Punjab reported in 2018 SCC online SC, 974.

3. It is seen from records that the same police officer, who has registered the FIR has also conducted the investigation. This has virtually vitiated the entire investigation. The Hon'ble Supreme Court of India in the judgment referred supra

has categorically held that the informant and the investigator cannot be the same person. The facts of the case is squarely covered by the judgment of the Hon'ble Supreme Court.

4. In the result, the proceedings in C.C.No.6071 of 2016, on the file of IX Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

mpa/ub

To

1. The IX Metro Politan Magistrate, Saidapet, Chennai-15.

2.The Inspector of Police,
(Law & Order),
J-5, Sastri Nagar Police Station,
Besant Nagar,
Chennai-90.

3.The Public Prosecutor
High Court of Madras.

+1cc to M/S.K.Subburam, Advocate SR.No.4350

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GMV (25/01/2019)

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