

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26183 of 2019

and

Crl.M.P.Nos.13989 & 13990 of 2019

A.V.AfrosePetitioner/Accused-7

Vs.

1.The State rep by
The Inspector of Police,
G-2 Periamet Police Station,
Chennai 600 003.1st Respondent/Complainant
(Crime No.154 of 2017)

2.Jayakaran2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.5894 of 2019 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents: Mr.C.Iyyapparaj for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records in C.C.No.5894 of 2019 on the file of the learned II Metropolitan Magistrate, Egmore, Chennai and quash the same.

2. It is settled preposition of law that the complainant and the Investigating Officer cannot be one and the same person in the instant case. The complainant in FIR No.154 of 2017 is the same person, who is investigating the crime also, which is impermissible in law. On the short ground, the charge sheet is to be quashed.

3. Accordingly, the Criminal Original Petition stands allowed. Consequently, C.C.NO.5894 of 2019 on the file of the learned Metropolitan Magistrate No II, Egmore, Chennai is quashed. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
G-2 Periamet Police Station,
Chennai 600 003.
- 2.The II Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Additional Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.P.Chandrasekaran, Advocate Sr.91231

CrI.O.P.No.26183 of 2019
and
CrI.M.P.Nos.13989 & 13990 of 2019

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srg 19/11/2019

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