



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) No.6588 of 2018

and

Cr1.M.P (MD) Nos.3146 and 3147 of 2018

1. V.Senthilkumar

2.Kannan

... Petitioners/Accused Nos. 1 & 2

Vs.

1.The State rep. by

The Inspector of Police,
Pasupathipalayam Police Station,
in crime No.509 of 2016
Karur District.

... 1st Respondent/Complainant

2.R.Manonmani

...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned charge sheet in C.C.No.42 of 2017 under Sections 341, 354, 294(b) and 506 (i) I.P.C. pending on the file of the Judicial Magistrate No.1, Karur and quash the same.

For Petitioners : Mr.R.S.Sivaram

For Respondent : Mr.R.Anandharaj, APP for R1
Mr.P.Murugesan for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.42 of 2017 under Sections 341, 354, 294 (b) and 506(i) I.P.C. pending on the file of the Judicial Magistrate No.1, Karur.

2.The learned counsel for the petitioner would submit that in this case both the complainant as well as the investigating officer are one and the same.

3.It can be seen from the records that the First Information Report was registered by the first respondent and he is conducting the investigation and he has also filed the final report. Therefore the investigation in this case is vitiated. This case is



squarely covered by the judgment of the Honourable Supreme Court in **Mohan Lal- vs- The State of Punjab in Criminal Appeal No.1880 of 2011**, wherein the Honourable Supreme Court has categorically held that the foundation of the fair trial postulates that the informant and the investigator must not be the same person.

4. In view of the above the final report filed by the respondent police in C.C.No.42 of 2017 pending on the file of the Judicial Magistrate No.1, Karur is hereby quashed and the Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

1. The Judicial Magistrate No.I, Karur
2. The Inspector of Police
Pasupathipalayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.S.SIVARAM, Advocate (SR-94451[F] dated 25/10/2019)

Arul

Crl.O.P. (MD)No.6588 of 2018

24.10.2019

vr(CO)

TR(26.12.2019)2P 5C