



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.11701 of 2015

and

M.P.(MD)No.1 of 2015

Avudaiappan

... Petitioner

Vs

The Sub Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
(Crime No.279/14)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the complaint in S.T.C.No.3046 of 2014, on the file of the Judicial Magistrate, Sathankulam and to quash the same as illegal.

For Petitioner	: Mr.T.Vadivelan
For Respondent	: Mr.A.Robinson
	Govt. Advocate (Crl. Side)

O R D E R

The petitioner is the sole accused in S.T.C.No.3046 of 2014, on the file of the learned Judicial Magistrate, Sathankulam. Cognizance of the offence under Section 75 of Tamilnadu City Police Act was taken by the learned Judicial Magistrate. To quash the same, this criminal original petition has been filed.

2.The specific case of the petitioner is that the Sub Inspector of Police namely., Mr.P.Pauldurai is the informant in this case, he registered the FIR and he also conducted investigation in this case and filed the final report. This in my view is clearly not in consonance with the principle of natural justice.

3.The Honourable Supreme Court in the case of **Megha Singh Vs. State of Harayana**, reported in **1997 SCC (Cri) 267** held that the informant himself ought not to be the investigating officer. The Honourable Supreme Court specifically observed that such a practice should not be resorted to so that there may not be any occasion to suspect and fair and impartial investigation. Since the elementary principle of fairness stands violated in this case, I have to



necessarily quash the impugned proceedings. The impugned proceedings stand quashed and the criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Judicial Magistrate,
Sathankulam.
- 2.The Sub Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-92051[F] dated 16/10/2019)

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