



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2019

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.7319 of 2018
and
Cr.M.P.(MD)Nos.3473 & 3474 of 2018

Jeyachandran ... Petitioner/Accused No.1

Vs.

1.State rep by
The Inspector of Police,
Karivalamvanthanalloor Police Station,
Tirunelveli District.
(Crime No.176 of 2017) ... Respondent/Complainant

2.Anusha Manogari ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in P.R.C.No.25 of 2017 pending on the file of the learned Judicial Magistrate Court, Sankarankovil, Tirunelveli District and quash the same in so far as the petitioner's concerned.

For Petitioner : Mr.P.Alliraja

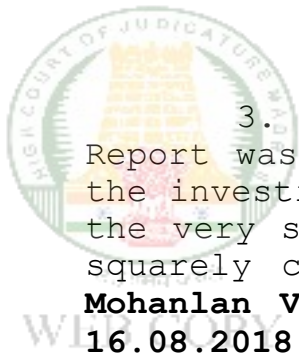
For R1 : Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.Side)

O R D E R

This petition has been filed to quash the Charge sheet in P.R.C.No.25 of 2017 pending on the file of the learned Judicial Magistrate Court, Sankarankovil, Tirunelveli District.

2. The learned counsel for the petitioner would submit that the case was investigated by the very same police who had registered the First Information Report and therefore the entire case is vitiated and the final report filed before the Court below is unsustainable in law.



3. It can be seen from 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 very same investigation in this case is vitiated. This case is squarely covered by the judgment of the Hon'ble Supreme Court in **Mohanlan Vs. The State of Punjab in Crl.A.No. 1880 of 2011 dated 16.08.2018**, 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 P.R.C.No.25 of 2017 is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

dss

To

- 1.The Judicial Magistrate Court, Sankarankovil,
Tirunelveli District.
- 2.The Inspector of Police,
Karivalamvanthanalloor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.7319 of 2018

and

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