



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2019

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.13801 of 2019

and

Crl.M.P (MD) Nos.8424 and 8425 of 2018

1. Gunasekaran
2. Kandasamy
3. Sivashanmugam
4. Karuppannan
5. Vasudevan
6. Saminathan
7. Gunasekaran
8. Kumar
9. Sathasivam
10. V.V. Shanmugam

... Petitioners/Accused 1 to 10
Vs.

The State rep. by
The Inspector of Police
Velayuthapuram Police Station
Karur District
Crime No. 210 of 2019

...Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the STC No.2087 of 2019 on the file of the Judicial Magistrate No.II, Karur and quash the same.

For Petitioners : Mr.K.Suresh
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash final report filed by the respondent police which has been taken on file in STC No.2087 of 2019 on the file of the learned Judicial Magistrate No.II, Karur

2. The final report has been filed against the petitioner for an alleged offence under sections 143 and 341 of IPC.



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

4.It can be seen from records that the First Information Report was registered by the second 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 Honourable Supreme Court in **Mohan Lal- vs- The State of Punjab in Criminal Appeal No.1880 of 201 1**, 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.

5. In view of the above the final report filed by the respondent police in STC No.2087 of 2019 on the file of the learned Judicial Magistrate No.II, Karur is hereby quashed and the Criminal Original Petition is allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.II, Karur

2. The Inspector of Police
Velayuthapuram Police Station
Karur District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.SURESH, Advocate (SR-91158[F] dated 03/10/2019)

Crl.O.P. (MD) No.13801 of 2019

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