



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P. (MD) No. 16681 of 2019

and

Crl.M.P (MD) No. 9887 of 2019

James

... Petitioner/A1

Vs.

1. The State of Tamilnadu,
Rep. by the Inspector of Police
Kanyakumari Police Station
Kanyakumari, Kanyakumari District. ...R-1/Complainant

2. A. Muthuraj
Inspector of Police (Circle)
Kanyakumari Police Station,
Kanyakumari, Kanyakumari District. ...R-2/Defacto complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to quash the charge sheet in C.C.No. 121 of 2017 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District as against the petitioner.

For Petitioner : Mr.E.V.N. Siva
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

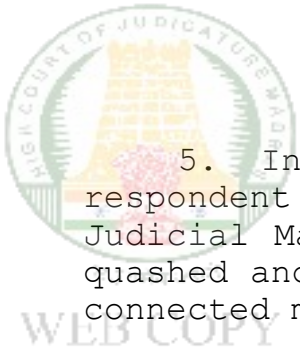
ORDER

This Criminal Original Petition has been filed seeking to quash final report filed by the respondent police which has been taken on file in C.C.No. 121 of 2017 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District.

2. The final report has been filed against the petitioner for an alleged offences under sections 3, 4, 5, 7 of Immoral Traffic (Prevention) Act 1956.

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 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.



5. In view of the above the final report filed by the respondent police in C.C.No. 121 of 2017 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District is hereby quashed and the Criminal Original Petition is allowed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa

To

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

+1 CC to M/s.E.V.N.SIVA, Advocate (SR-98770[F] dated 15/11/2019)

Cr1.O.P. (MD)No.16681 of 2019

15.11.2019

SMA/05/02/2020/2P/5C