

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8470 of 2020

and

Crl.M.P Nos.4128 & 4129 of 2020

G.Vignesh, (M/29 years)

S/o.Govindhan

No.22/1, Kanniappan Street

Choolaimedu

Chennai-600 094.

... Petitioner /Petitioner

Vs.

1. State Rep. by its

The Inspector of Police,

Kilpauk Police Station

Kilpauk, Chennai.

Crime No.43 of 2010

2. S.Vimal Chand

S/o.Sampathraj

Plot No.7, Door No.4,

K.K.R. Gardern Street

Karambakkam

Porur, Chennai-116.

...Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C praying to call for the records in Crime No.43 of 2020 on the file of the 1st respondent Police Station and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr. L.K.Charles Alexander

For Respondents: Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for quashing the FIR insofar as the petitioner is concerned, which is pending investigation before the respondent police.

2. The learned counsel for the petitioner submitted that there is another FIR registered in Crime No.3 of 2020 and the same is pending investigation before the All Women Police Station, Kilpauk. The learned counsel for the petitioner submitted that the allegations, insofar as the petitioner is concerned, is one and the same in both the crime numbers. The learned counsel in order to substantiate his submission brought to the notice of this Court, an order passed by this Court in the Anticipatory Bail petition filed by the petitioner and submitted that the learned Additional Public Prosecutor in the said anticipatory bail petition has made a submission to the effect that the allegation against the petitioner in both the FIRs is one and the same. The learned counsel submitted that two different Investigating Officers cannot be permitted to investigate two complaints, wherein insofar as the petitioner is concerned, the allegations are common.

3. The learned Additional Public Prosecutor, on instructions submitted that apart from the two FIRs referred supra, there is one more FIR pending in Crime No.1 of 2020 before the All Women Police Station, Kilpauk. The learned Additional Public Prosecutor submitted that all the three FIRs relates to three different incidents and all the three has a separate cause of action. The learned Additional Public Prosecutor submitted that the FIR cannot be quashed only on the ground that the allegations against the petitioner are common in two FIRs. The learned Counsel submitted that the allegations against the petitioner must be read by taking into consideration two different incidents that are explained in the complaint by two different complainants.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. This Court is of the considered view that the investigation must go on in order to find out the actual persons who are involved in the crime. In the considered view of this Court, it will be fit and proper, if the same Investigating Officer investigates all the complaints since the accused persons are common and the allegations are inter-related in each complaint. This will also prevent two Investigating Officers coming to different conclusions.

6. In view of the above, Crime Nos.1 and 3 of 2020 which is pending investigation before the All Women Police Station, Kilpauk is transferred to the file of the Inspector of Police, Kilpauk Police Station. All these three FIRs shall be investigated by the same Investigating Officer. This Criminal Original Petition is disposed of with these directions. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Kilpauk Police Station,
Kilpauk, Chennai.
2. The All Women Police Station,
Kilpauk.
3. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.8470 of 2020

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