



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

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WEB COPY

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

Crl.O.P.(MD)No.9808 of 2020
and Crl.M.P.(MD)Nos.4557 & 4558 of 2020

T.Balasubramanian

... Petitioner

Vs.

S.Muthusamy
Asst.Sub-Inspector,
Railway Protection Force,
Tuticorin.

... Respondent

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to the charge sheet in C.C.No.284 of 2018 pending on the file of the learned Judicial Magistrate No.III, Tuticorin and quash the same.

For Petitioner

: Mr.Niranjan S.Kumar

ORDER

This criminal original petition has been filed to quash the charge sheet in C.C.No.284 of 2018 pending on the file of the learned Judicial Magistrate No.III, Tuticorin.

2.The respondent police has registered an FIR against the petitioner for a offence under Section 143(1)(a) of the Railway Act, 1989.

3.It is seen from the records that the officer, who had registered the FIR, the Officer, who had concluded the investigation and the officer, who had filed a final report, is the same officer.

4.The learned counsel for the petitioner would submit that this case is squarely covered by the judgment of the Hon'ble Supreme Court in **Mohanlal Vs. State of Punjab** reported in **2018 SCC online Supreme Court 929**.

5.The final report filed by the respondent police has to be quashed since the informant, the investigation officer and the person, who had filed a final report are the same in this case. The Hon'ble Supreme Court in the above judgment has held that the



informant and the investigation officer must not be the same person and if it is the same person, it vitiates the entire investigation.

6.The facts and circumstances of the case is squarely covered by the judgement of the Hon'ble Supreme Court referred supra.

7.In the result, the proceedings in C.C.No.284 of 2018 pending on the file of the learned Judicial Magistrate No.III, Tuticorin, is hereby quashed. Accordingly, this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate No.III, Tuticorin.

2.S.Muthusamy
Asst.Sub-Inspector,
Railway Protection Force,
Tuticorin.

+1 CC to Mr.NIRANJAN S.KUMAR, Advocate SR.No. 25643

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SJ(CO)
TR(08.01.2021) 2P 4C