



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.8587 of 2019
and
Crl.M.P.No.4571 of 2019

Jeevitha

... Petitioner

Vs.

1. State rep.by
Sub-Inspector of Police
K-2, Ayyanavaram Police Station
Chennai 600 023.

2. Gnanavel

... Respondents

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records and quash the same in C.C.No.8002 of 2018 pending on the file of the learned V Metropolitan Magistrate, Egmore, Chennai-8.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)

ORDER

This petition had been filed to call for the records and quash the same in C.C.No.8002 of 2018 pending on the file of the V Metropolitan Magistrate, Egmore, Chennai-8.

2. The learned Counsel for the Petitioner submitted that the Petitioner is the Accused in this case registered in Crime No.382 of 2018. There was some dispute earlier between the Accused herein and the Police Officials. Subsequently, on 17.07.2018 in continuation of the same dispute, a quarrel arose between them. Hence, First Information Report in Crime No.382 of 2018 was registered before the Ayyanavaram Police Station, Chennai City Police.



3. Subsequently, the person, who registered the First Information Report himself proceeded with the investigation and laid the Final Report. According to the learned Counsel for the Petitioner, the final report is not fair. Hence, the final report is to be quashed under Section 482 of Cr.P.C. In support of his submission, he relied upon the ruling of this Court in the judgment of Pandiyarajan and Ors. Vs. State and Ors., reported in 2020 1 MLJ (Cri) 578. He invited the attention of this Court to the observation of the learned Judge in the final part, which relied upon the rulings of the Hon'ble Supreme Court. Based on which, this charge sheet cannot be entertained.

4. The learned Government Advocate (Crl.Side) vehemently objects to the line of the arguments of the learned Counsel for the Petitioner. The learned Counsel by referring to the typed set of papers, submitted that PW4 Ramakrishnan, is an eye witness to the incident, whereas PW10 is another Ramakrishnan, who is the Investigation Officer. Therefore, this case is maintainable.

5. The said submission of the learned Government Advocate (Crl.Side) is vehemently objected by the learned Counsel for the Petitioner, by placing reliance on the signature in the First Information Report in Page No.3 and list of witness in Page No.12, which are similar.

6. The above submissions of the learned Counsel for the Petitioner is found acceptable. In the light of the fact that same signatures, found in the charge sheet as well as the First Information Report, the ruling of the High Court in the case of Pandiyarajan (referred Supra) is squarely applicable to the facts of this case. In the light of the above, the final report filed by the Ayyanavaram Police Station in Crime No.382 of 2018 is quashed.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

dna



To

1. The V Metropolitan Magistrate,
Egmore, Chennai-8.
2. Do-Through,
The Chief Metro Politan Magistrate,
Egmore, Chennai-8.
3. The Sub-Inspector of Police
K-2, Ayyanavaram Police Station
Chennai 600 023.
4. The Public Prosecutor
High Court, Madras.

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JPL (CO)
SU (27/05/2022)