

Shanthappa and ors. Vs. State

Shanthappa and ors. Vs. State

SooperKanoon Citation : sooperkanoon.com/387455

Court : Karnataka

Decided On : Mar-28-2001

Reported in : 2001CriLJ2822

Judge : K. Sreedhar Rao, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 482

Appeal No. : Criminal Petition No. 3849 of 2000

Appellant : Shanthappa and ors.

Respondent : State

Advocate for Pet/Ap. : K.M. Ravi Kumar, Adv.

Judgement :

ORDER

K. Sreedhar Rao, J.

1. This petition filed under Section 482, Cr. P.C. for quashing of the proceedings in C.C. No. 425 of 2000.

2. The accused have filed this petition alleging that the complainant in the case who is the Police Inspector registered the FIR by himself as victim and informant conducted the investigation and filed the charge-sheet. Therefore, it is contended

that the entire investigation is vitiated as it is a biased Investigation and the person interested in the cause has abused his powers as a Police Officer and filed the charge-sheet.

3. The State Public Prosecutor also fairly concedes on the proposition of law that a police officer who has personal and vested interest in the cause should not be permitted to investigate the case. Police officer who other than the official interest has any personal or vested interest in the cause should not be permitted to investigate the case. Eventually the facts disclose that the Investigation Officer who himself is a complainant and interested in the cause has conducted investigation and filed the charge-sheet. Therefore, the filing of this charge-sheet requires to be quashed. However, if the petitioners have committed the offence as alleged, it is also necessary and obligatory in law that an independent investigation has to be conducted into the matter in accordance with law and depending upon the result of such independent investigation, the final reports have to be filed.

4. In that view of the matter, the proceedings in CC No. 425 of 2000 is quashed. However, it is directed that the Superintendent of Police, Hassan is directed to entrust the matter to any of the competent Station House Officers in his jurisdiction to carry out the investigation and to file the final report in accordance with law.

5. The counsel for the petitioners submits that two of the accused. Accused-5 Prakash and accused-7 Nagaraj son of Appellants Gowda are in judicial custody. In view of the orders passed, the said accused shall be released forthwith.

6. The Registrar is directed to communicate the order to the Superintendent of Police, Hassan.