

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.18387 of 2015

Chitra

...Petitioner/Defacto
Complainant

Vs.

1.The State of Tamil Nadu,
represented by the Inspector of Police,
Kaanai Police Station,
Villupuram District.
(Crime No.15/2012)

...1st respondent/Complainant

2.Ayyanar

3.Subramani

4.Mohan

5.Mani

6.Manikavalli

...Respondents 2to6/Accused

PRAYER: Criminal Original Petition has been filed under Section 482 Cr.P.C to further investigation in Crime No.15 of 2012 on the file of the respondent police pending in the Chief Judicial Magistrate Court, Villupuram in S.C.No.178 of 2014.

For Petitioner: Mr.Swami Subramaniam

For Respondents No.1: Mr.C.Emalias

Addl. Public Prosecutor

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O R D E R

This criminal original petition has been filed seeking further investigation in Crime No.15 of 2012 on the file of the respondent police pending before the Chief Judicial Magistrate Court, Villupuram in S.C.No.178 of 2014.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. On a complaint given by the petitioner, the first respondent police registered a case in Crime No.15 of 2012 and after completing the investigation, filed a final report for offences under Sections 294(b), 448, 326, 352, 307, 506 (ii) IPC r/w. 4 of Tamil Nadu Prohibition of Women Harassment Act against five persons and after committal, the case is now pending in S.C.No.178 of 2014 on the file of the Chief Judicial Magistrate, Villupuram. Aggrieved by the perfunctory manner in which, the first respondent police has conducted the investigation, the Defacto complainant is before this Court.

4. It is alleged by the defacto - complainant in para - 5 of the petition as follows;

" 5.The petitioner submits that though there were several eye witnesses, none were examined by the respondent police. The respondent police opted to include those, who were accommodative to the accused and cited them as eye witness, though they did not witness the occurrence and after completing the investigation filed a final report before this Hon'ble Court on 28.01.2012 in a hasty manner."

5. Mr.Swami Subramaniam, learned counsel appearing for the defacto complainant submitted that the police have cited some persons who never witnessed the crime as prosecution witnesses and those persons are eagerly coming to the Court to give evidence in favour of the accused. Under these circumstances, the defacto complainant is before this Court seeking further investigation.

6. The fact remains that the defacto complainant is an injured witness. It is trite law that it is not the quantity of witness but the quality of witness which is relevant in a criminal prosecution. In this case, the best witness is the injured witness. Therefore, this Court is confident that the trial Court will not be carried away by the evidence of other witnesses who may support the accused having been won over.

7. In the opinion of this Court, if further investigation is ordered it will only cause prejudice to the case of the defacto complainant and that will delay the trial and ultimately, the entire prosecution will become a damp squib.

With the above discussion, the petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

sms

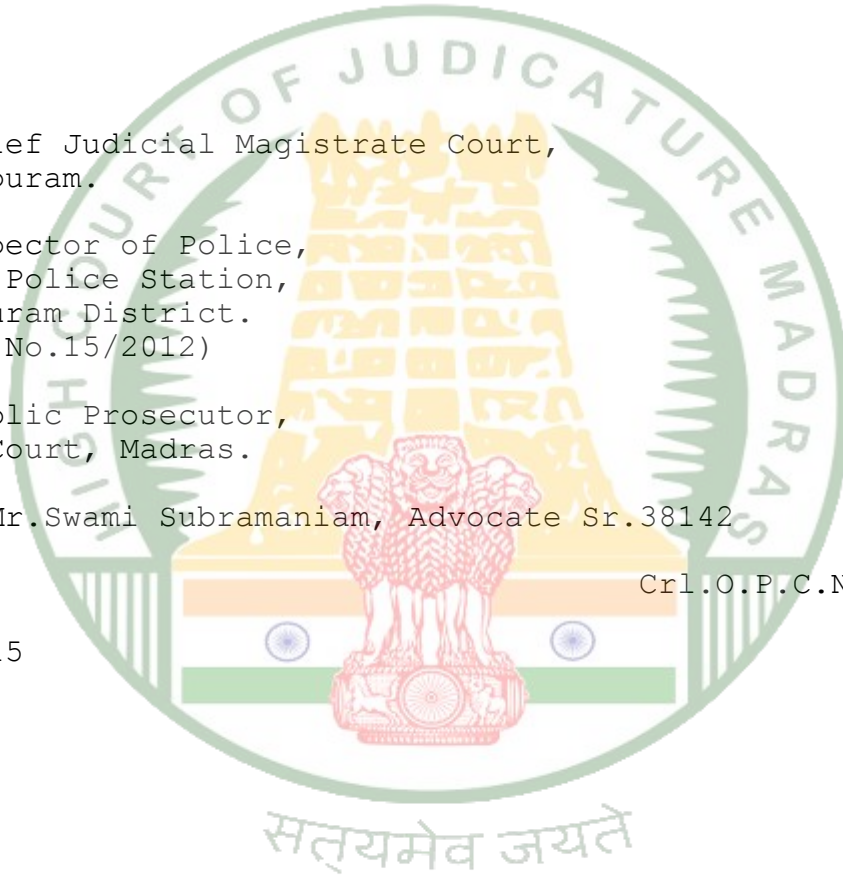
To

1. The Chief Judicial Magistrate Court,
Villupuram.
2. The Inspector of Police,
Kaanai Police Station,
Villupuram District.
(Crime No.15/2012)
3. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.Swami Subramaniam, Advocate Sr.38142

Cr1.O.P.C.No.18387 of 2015

SV(CO)
EU 10.08.15



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