

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.06.2019
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No.16838 of 2019

D.Vijayabaskar

..Petitioner /
Defacto complainant

Vs.

The State,
Rep. by the Inspector of Police,
G-1, Madurantakam Police station,
Madurantakam,
Kanchipuram District

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent police herein for further investigation and file a consequent report to that effect in Crime No.980 of 2016 on the file of the Respondent police herein.

For Petitioner : Mr.J.Ashok

For Respondent: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for further investigation in Crime No.980 of 2016.

2. It is seen from records that the petitioner is the defacto complainant, who had given a complaint to the respondent police on the ground that on 26.08.2016, he was attacked by two persons, as a result of which, he sustained bleeding injuries. After investigation, a final report has been filed where the petitioner's wife, Mother-in-law and one Gautham Krishna have been shown as accused persons.

3. The learned counsel for the petitioner submitted that the respondent police have not even added the two persons who have attacked the petitioner, as accused persons and therefore, the entire investigation is flawed.

4. The learned Additional Public prosecutor appearing for the respondent submitted that based on the statement recorded from the witnesses, the accused persons have been identified and their names have been shown in the final report. If at all, the petitioner is able to pinpoint any other persons to be involved in the attack, he can always state it at the time of deposing

before the Court as a witness. The learned counsel further submitted that no further investigation is required to be conducted in this case.

5. This Court has carefully considered the submissions made on either side and also the materials placed on record.

6. The respondent police have identified three accused persons and have added them as an accused in the final report. The grievance of the petitioner is that the respondent police did not identify or add two other persons who had actually attacked the petitioner. The final report reveals that apart from the petitioner's wife and Mother-in-law, one other person namely Gautham Krishna has been made as an accused. If there are any other persons involved in the attack, the same can be brought to the notice of the Court by the petitioner at the time of giving evidence and the Trial Court has sufficient powers under Section 319 of Cr.PC to add them as an accused. This Court is of the considered view that no further investigation is required in this case.

7. In the result, this Criminal Original petition is disposed of by leaving it to the Court below to decide on the addition of the accused persons based on the materials collected during the course of trial.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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1. The State,
Rep. by the Inspector of Police,
G-1, Madurantakam Police station,
Madurantakam,
Kanchipuram District

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Ashok, Advocate sr.53786

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