



Crl.O.P.(MD)No.23482 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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V.Gunasekaran

... Petitioner/Defacto Complainant

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District, Thanjavur.

2.The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli,
Thanjavur District.
Crime No.600 of 2021

... Respondents/Complainants

3.M.Rengarajan
4.J.Rameshkumar
5.M.Jeyachandran
6.J.Sakthivel
7.P.Stalin Rajkumar
8.A.Muniyaraj

... Respondents/Accused

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records with regard to the final report in C.C.No.45 of 2022 on the file of the learned Judicial Magistrate, Thiruvaiyaru and set aside the same and to conduct further

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investigation of the case in Crime No.600 of 2021 dated 28.11.2021 pending on the file of the second respondent, within the stipulated period as prescribed by this Court.

For Petitioner : Mr.A.Haja Mohideen
For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)
For R-8 : Mr.S.Selvakumar

ORDER

This petition has been filed challenging the final report filed by the respondent police and which has been taken on file in C.C.No.45 of 2022 by the learned Judicial Magistrate, Thiruvaiyaru and for a further direction to conduct further investigation in this case.

2.Heard the learned counsel on either side.

3.This Court carefully went through the complaint given by the petitioner and the grievance expressed by the petitioner. The main grievance of the petitioner seems to be that the main witnesses have not



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been examined by the police and that a slipshod investigation has been conducted in this case.

4. When the matter was taken up for hearing today, it was brought to the notice of this Court that the petitioner was not present before the Court for giving evidence inspite of several summons being issued and therefore, L.W.4 and L.W.6 have been examined as P.W.1 and P.W.2.

5. In the considered view of this Court, it is the petitioner who was the victim and the important witness in this case. Hence, the petitioner can depose before the Court as to what really happened on the fateful day and it is not necessary to corroborate the evidence of the petitioner if the probative value of the evidence of the petitioner is believable. In the law of evidence, it is not the number of witnesses which is important and it is only the quality of the evidence tendered by the witnesses which will ultimately help the Court to take a decision.



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6. Admittedly, the petitioner is the victim in this case and it is the petitioner who is said to have been abused, beaten and locked inside the house. Hence, the petitioner can always depose before the Court the entire incident by identifying the accused persons. If that is done properly, it is not necessary for the prosecution to search for corroboration.

7. In the considered view of this Court, there is no need for any further investigation in this case in order to find out other witnesses. Infact, ordering for further investigation will only further delay this case. Hence, the petitioner should appear before the Court and depose as a witness and explain the actual incident before the Court by identifying the accused persons.

8. This Criminal Original Petition is disposed of in the above terms.

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Index: Yes/No
Internet: Yes/No
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- 1.The Judicial Magistrate, Thiruvaiyaru.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District, Thanjavur.
- 3.The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

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