

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.406 of 2015

K.Ramanathan .. Petitioner

Vs

1.The State rep.by
The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2.The Inspector of Police,
Hosur Police Station,
Hosur,
Krishnagiri District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 31.10.2014 in Crl.MP.No.4432 of 2014 on the file of the learned Judicial Magistrate No.II, Hosur.

For Petitioner :Mr.V.S.Sivasundaram

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

2.This petitioner is challenging the order dated 31.10.2014 passed by the learned Judicial Magistrate No.II, Hosur, in Crl.MP.No.4432 of 2014.

3.The factual matrix of the case is as follows:

The petitioner's son by name M.Raghav was a student of B.Arch., in Adhiyaman Engineering College, Hosur, Krishnagiri District, and he was in love with Anusha. It appears that one Praveenkumar was also in love with Anusha and there was lot of misunderstanding between the deceased and the said Praveenkumar.

It is alleged by the prosecution that on 04.06.2013, Praveenkumar and one Pratal Sachin, another friend of the deceased, came to stay in the room of the deceased and they were watching videos in the laptop and on that night, the said Praveenkumar and Pratal Sachin, committed murder of the deceased Raghav and took away his laptop and mobile phone. The Police registered a case and conducted investigation and filed final report against Praveenkumar and Pratal Sachin for offences under Sections 120B, 302, 201 and 380 IPC before the learned Judicial Magistrate No.II, Hosur. At this juncture, the petitioner, who is the father of the deceased Raghav, has filed a petition, praying for further enquiry under Section 173 (8) CrPC by making allegations against the police. The learned Magistrate No.II, Hosur, heard the petitioner and the respondent police and dismissed the petition on 31.10.2014. Aggrieved by which, this direction petition has been filed.

4.Learned counsel for the petitioner submitted that the police had failed to take into consideration the e-mails that were exchanged between the deceased Ragav and the accused Praveenkumar. He further submitted that those e-mails will go a long way to show the subsisting motive between the deceased and the accused. It is not the case of the petitioner that Praveenkumar and Pratal Sachin have been falsely implicated in this case, but, it is the contention that serious allegations are involved in this case.

5.This Court carefully scrutinized the materials and found that there is no serious infirmity in the order passed by the learned Magistrate No.II, Hosur, warranting interference.

In the result, this Criminal Original Petition is disposed of, with an observation that if as and when fresh materials surface against other persons during the course of trial, the same can be admitted in the trial Court under Section 319 CrPC.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Hosur.

2.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

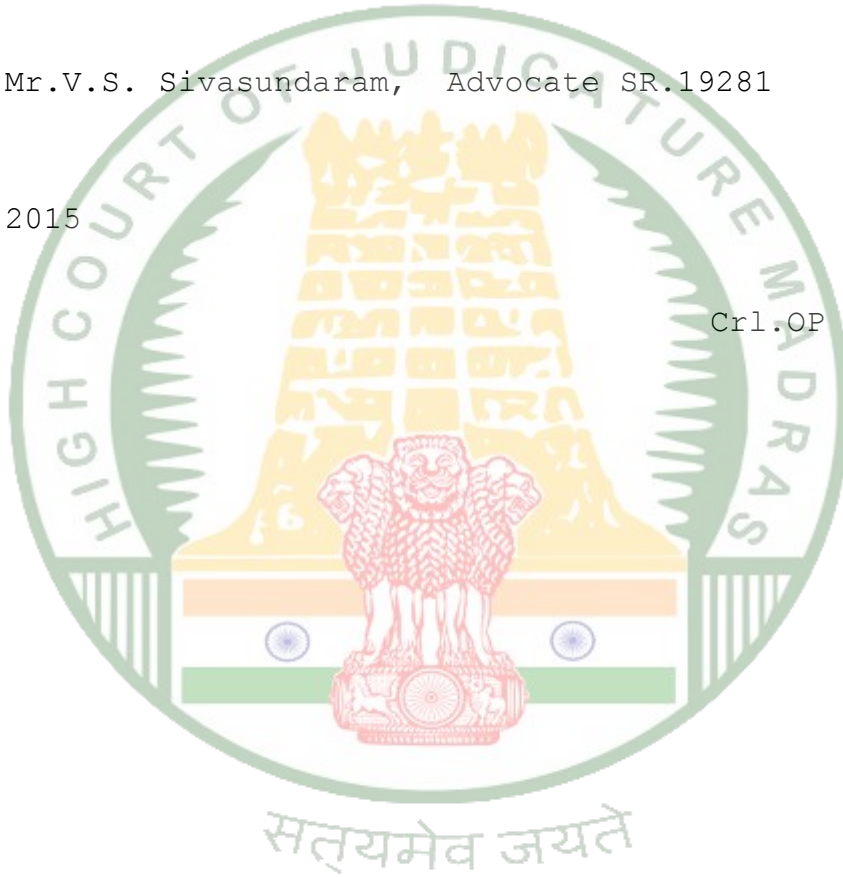
3.The Inspector of Police,
Hosur Police Station,
Hosur,
Krishnagiri District.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.S. Sivasundaram, Advocate SR.19281

KJI (CO)
EU 20.04.2015

Crl.OP No.406 of 2015



WEB COPY