

**Midhun vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1289701](https://sooperkanoon.com/1289701)

**Court :** Kerala

**Decided On :** Aug-06-2024

**Judge :** Honourable Mr. Justice P.V.Kunhikrishnan

**Appeal No. :** Crl.MC/1815/2017

**Appellant :** Midhun

**Respondent :** State of Kerala

**Judgement :**

CRL.MC NO. 1815 OF 2017 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN  
TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946  
CRL.MC NO. 1815 OF 2017 CRIME NO.2002/2016 OF Kollam East  
Police Station, Kollam AGAINST THE ORDER/JUDGMENT DATED IN  
CC NO.492 OF 2016 OF CHIEF JUDICIAL MAGISTRATE ,KOLLAM  
PETITIONER/S: MIDHUN AGED 26 YEARS AGED 26 YEARSS/O.  
MANMADHA KURUP, KRISHNA  
VILASOM,HOUSESEEMANTHAPURAM CHERRY, MADAVOOR  
VILLAGE,KILIMANOOR, THIRUVANANTHAPURAM DISTRICT BY ADV  
SRI.M.T.SURESHKUMAR RESPONDENT/S: STATE OF KERALA

REPRESENTED BY THE PUBLIC PROSECUTORHIGH COURT OF  
KERALA,ERNAKULAM 682 031 OTHER PRESENT: SRI.RENJITH.T.R,  
SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 06.08.2024, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING: CRL.MC NO. 1815 OF 2017 2  
P.V.KUNHIKRISHNAN, J ----- Crl.M.C. No. 1815  
of 2017 ----- Dated this the 6th day of August,  
2024

## ORDER

This Criminal Miscellaneous case is filed to quash the proceedings in CC No. 492 of 2016 on the file of the Chief Judicial Magistrate Court, Kollam. Annexure-A2 is the final report filed by the Police after investigation. The offences alleged are under Secs.294(b), 353 and Sec. 3(1) of the PDPP Act.

2. The main contention of the petitioner is that

when the petitioner was arrested, he gave Annexure-A4 statement to the Magistrate concerned and no further proceedings are initiated based on the same. According to the petitioner, an investigation is to be conducted based on Annexure-A4 statement. If that is the case, I am of the considered opinion that the petitioner can file an application CRL.MC NO. 1815 OF 2017 3 before the learned Magistrate to proceed with the case, based on Annexure-A4 statement, in accordance with law. If such an application is filed, the learned Magistrate will do the needful, in accordance with law. With the above observation and leaving open all the contentions raised by the petitioner in this Crl.M.C., this Crl.M.C. is disposed of. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS CRL.MC NO. 1815 OF 2017 4 APPENDIX OF CRL.MC 1815/2017 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE FIS AND FIR ARE IN CRIME NO 2002 OF 2016 OF KOLLAM EAST POLICE STATION ANNEXURE A2 TRUE COPY OF THE FINAL REPORT FILED IN CRIME NO 2002 OF 2016 OF KOLLAM EAST POLICE STATION ANNEXURE A3 TRUE COPY OF THE CERTIFICATE OF DRUNKENNESS ISSUED BY THE MEDICAL PRACTIOONER DATED 25/06/2016 ANNEXURE A4 TRUE COPY OF THE STATEMENT RECORDED BY

THE JUDICIAL MAGISTRATE OF FIRST-CLASS

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