**SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com**

**Pramod Kumar vs State of Kerala**

**Pramod Kumar vs State of Kerala**

**SooperKanoon Citation** : sooperkanoon.com/1622063

**Court** : Kerala

**Decided On :** Oct-01-2021

**Judge** : Honourable Mr. Justice K.Haripal

**Appeal No.** : Crl.MC/1781/2021

**Appellant** : Pramod Kumar

**Respondent** : State of Kerala

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL FRIDAY, THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 AGAINST THE ORDER/JUDGMENT IN MC 373/2020 OF SUB.DVL.MAGISTRATE,KOLLAM, KOLLAM PETITIONER/COUNTER PETITIONER: PRAMOD KUMAR AGED 38 YEARS S/O.RAJENDRAN NAIR, FAMILY NAGAR - 23, ULIYAKOVIL CHERRY, ULIYAKOVIL P.O., KOLLAM - 691 019. BY ADVS. C.R.JAYAKUMAR SRI.NOBEL RAJU SRI.M.RAJESH RESPONDENTS/COMPLAINANTS:

1 STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 THE SUB DIVISIONAL MAGISTRATE CIVIL STATION P.O., KOLLAM - 691 003. 3 THE

INSPECTOR OF POLICE KOLLAM EAST POLICE STATION, CHINNAKKADA P.O., KOLLAM - 691 001. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.10.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## ORDER

This is a petition filed under Section 482 of the Cr.P.C. seeking to

quash the proceedings in M.C. No.373/2020 dated 06.03.2021 of the Sub Divisional Magistrate's Court, Kollam. The grievance of the petitioner is that he has been served with Annexure 1 notice on the premise that he has involved in a crime, Crime No.94/2020, for the offence under Sections 294(b), 341, 323, 324 read with 34 of the IPC. Now notice under Section 111(1) of Cr.PC has been issued asking as to why proceedings under Section 107 of the Cr.P.C shall not be initiated against him.

2. I heard learned counsel for the petitioner and also learned Senior Public Prosecutor.

3. I have no doubt that registration of a single crime, that too in

investigation stage is not a valid ground for initiating proceedings under Section 107 of the Cr.P.C. Anyhow Annexure 1 is only a show cause notice asking him to show cause as to why he shall not appear before the Magistrate and execute a bond, as indicated. It is only a preliminary step. It is open to the petitioner to give valid reasons as to why he is not bound to execute such a bond. On getting such a reply, the learned Magistrate shall dispose of the M.C. taking into account the authoritative pronouncement of this Court in Santhosh V. State of Kerala (2014 (3) KLT 837). Thereafter a decision shall be taken within a period of two months from the date of receipt of a copy of this order.

Crl.M.C is disposed of as above. SD/- K.HARIPAL JUDGE VKD/01/10/2021 APPENDIX OF CRL.MC 1781/2021 PETITIONER ANNEXURE ANNEXURE 1 THE ORIGINAL COPY OF THE ORDERS OF THE SDM KOLLAM DATED 06/03/2021 IN MC NO.373/2020 ISSUED U/S 111(1) OF THE CRPC.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com