



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K. NATARAJAN

&

THE HONOURABLE MR. JUSTICE JOHNSON JOHN

THURSDAY, THE 15TH DAY OF OCTOBER 2026 / 23RD ASWINA, 1948

WA NO. 2121 OF 2026 (FILING NO.)

JUDGMENT DATED 09.10.2026 IN WP(Crl.) NO.1476 OF 2026 OF HIGH COURT OF KERALA

APPELLANTS/THIRD PARTIES:

- 1 MOHAMMED RIYAS. P. A., AGED 50 YEARS,
S/O.ABDUL KADER P.M., RESIDING AT GRACE, KOTTOOLI, KOTTOOLI
P.O., KUTHIRAVATTOM, KOZHIKODE, KERALA, PIN, PIN - 673 016.
- 2 NIKHIL P., AGED 45 YEARS, S/O.LATE P.APPUTTY, KOMALAM HOUSE, A
P ROAD, KARUVANTHIRUTHI P.O. FEROKE S.O., KOZHIKODE DISTRICT.,
PIN - 673 631.

BY ADVS.
SRI. S. SREEKUMAR (SR.)
SHRI.AMEEN HASSAN K.
SMT.LISNA SHERIN T.T.
SMT.UMMUL FADLA T.
SHRI.ABDUL FATHAH
SHRI.RAJESH A.
SHRI.MUNEER AHMED

RESPONDENTS/PETITIONER & RESPONDENTS:

- 1 ADV. K.M.SHAJAHAN, AGED 63 YEARS, S/O.LATE K.B.MUHAMADALI,
ADVOCATE, NEETHI, TC5/715(5), PARAYANKONAM LANE, SREEKARYAM,
THIRUVANANTHAPURAM, PIN - 695 017.



- 2 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN – 695 001.
- 3 THE STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM., PIN – 695 010.
- 4 THE DIRECTOR, VIGILANCE AND ANTI-CORRUPTION BUREAU, VIKAS BHAVAN, PMG LAW COLLEGE ROAD, THIRUVANANTHAPURAM., PIN – 695 033
- 5 ADDITIONAL DIRECTOR GENERAL OF POLICE (ADGP)(CRIME BRANCH), POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM., PIN – 695 010.
- 6 ENFORCEMENT DIRECTORATE KOCHI UNIT, REPRESENTED BY ADDL. DIRECTOR, DIRECTORATE OF ENFORCEMENT COCHIN ZONAL OFFICE, A & P ARCADE, S.A.ROAD, NEAR HPCL DEPOT, KADAVANTHRA, KOCHI., PIN – 682 036.

R1 BY SRI. V. SETHUNATH
R2-R5 BY SRI. JAJU BABU, ADVOCATE GENERAL
R6 BY SRI. P. SREEKUMAR, ASGI
R6 BY SHRI.JAISHANKAR V.NAIR, SC,

THIS WRIT APPEAL HAVING COME UP FOR ORDERS ON 13.10.2026, ALONG WITH UNNUMBERED WRIT APPEALS OF 2026 WITH F. NOS. 2122, 2123 & 2125 OF 2026, THE COURT ON 15.10.2026 DELIVERED THE FOLLOWING:

Unnumbered Writ Appeals of 2026
(F. Nos. 2121 of 2026 & batch)

CNR : KLHC010775662026

: 3 :

2026:KER:79184



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

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THE HONOURABLE MR. JUSTICE JOHNSON JOHN

THURSDAY, THE 15TH DAY OF OCTOBER 2026 / 23RD ASWINA, 1948

WA NO. 2122 OF 2026(FILING NO)

JUDGMENT DATED 09.10.2026 IN WP(Crl.) NO.1476 OF 2026 OF HIGH COURT OF KERALA

APPELLANT/3RD PARTY:-

VEENA T., AGED 43 YEARS, DAUGHTER OF SRI. PINARAYI VIJAYAN,
T.C-27/2692, NEAR NIMS HOSPITAL, BAKERY JUNCTION,
THIRUVANANTHAPURAM, PIN – 695 033.

BY ADVS.
SRI. T.A. SHAJI (SR.)
SRI.GILBERT GEORGE CORREYA
SRI.K.K.RAVINDRANATH
SRI.P.NARAYANAN
SRI.MANU V.
SMT.THANUSHREE DAMODARAN
SHRI.ABHIJITH M.A
SMT.CLARINA CHRISTOPHER P.

RESPONDENTS/PETITIONER AND RESPONDENTS:

- 1 ADV. K.M.SHAJAHAN, AGED 63 YEARS, S/O LATE. K.B MUHAMADALI,
ADVOCATE, NEETHI, TC5/715(5), PARAYANKONAM LANE, SREEKARYAM,
THIRUVANATHAPURAM, PIN – 695 017.
- 2 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO
HOME DEPARTMENT, SECRETARIAT, THIRUVANTHAPURAM,
PIN – 695 001.



- 3 THE STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN – 695 010.
- 4 THE DIRECTOR, VIGILANCE ANTI-CORRUPTION BUREAU, VIKAS
BHAVAN, PMG LAW COLLEGE ROAD, THIRUVANANTHAPURAM,
PIN – 695 033.
- 5 ADDL DIRECTOR GENERAL OF POLICE (ADGP)(CRIME BRANCH)
POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM,
PIN – 695 010.
- 6 ENFORCEMENT DIRECTORATE KOCHI UNIT
REPRESENTED BY ADDL. DIRECTOR, DIRECTORATE OF ENFORCEMENT,
COCHIN ZONAL OFFICE, A & P ARCADE, S.A. ROAD, NEAR HPCL DEPOT,
KADAVANTHRA, KOCHI, PIN – 682 036.

R1 BY SRI. V. SETHUNATH
R2-R5 BY SRI. JAJU BABU, ADVOCATE GENERAL
R6 BY SRI. P. SREEKUMAR, ASGI
R6 BY SHRI.JAISHANKAR V.NAIR, SC,

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THE HONOURABLE MR. JUSTICE JOHNSON JOHN

THURSDAY, THE 15TH DAY OF OCTOBER 2026 / 23RD ASWINA, 1948

WA NO. 2123 OF 2026(FILING NO)

JUDGMENT DATED 09.10.2026 IN WP(Crl.) NO.1476 OF 2026 OF HIGH COURT OF KERALA

APPELLANTS/THIRD PARTY:-

PINARAYI VIJAYAN, AGED 82 YEARS, S/O. KORAN,
RESIDING AT T.C-27/2692, NEAR NIMS HOSPITAL, BAKERY JUNCTION,
THIRUVANANTHAPURAM., PIN – 695 033.

BY ADVS.

SRI. K. GOPALAKRISHNA KURUP (SR.)

SRI.GILBERT GEORGE CORREYA

SRI.K.K.RAVINDRANATH

SRI.P.NARAYANAN

SRI.MANU V.

SMT.THANUSHREE DAMODARAN

SHRI.ABHIJITH M.A

RESPONDENTS/PETITIONER & RESPONDENTS:-

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ADVOCATE, NEETHI, TC5/715(5), PARAYANKONAM LANE, SREEKARYAM,
THIRUVANATHAPURAM, PIN – 695 017.
- 2 STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO
HOME DEPARTMENT, SECRETARIAT, THIRUVANTHAPURAM,
PIN – 695 001.



- 3 THE STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN – 695 010.
- 4 THE DIRECTOR, VIGILANCE ANTI-CORRUPTION BUREAU, VIKAS BHAVAN, PMG LAW COLLEGE ROAD, THIRUVANANTHAPURAM, PIN – 695 033.
- 5 ADDL DIRECTOR GENERAL OF POLICE (ADGP)(CRIME BRANCH) POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN – 695 010.
- 6 ENFORCEMENT DIRECTORATE KOCHI UNIT, REPRESENTED BY ADDL. DIRECTOR, DIRECTORATE OF ENFORCEMENT, COCHIN ZONAL OFFICE, A & P ARCADE, S.A. ROAD, NEAR HPCL DEPOT, KADAVANTHRA, KOCHI, PIN – 682 036.

R1 BY SRI. V. SETHUNATH
R2-R5 BY SRI. JAJU BABU, ADVOCATE GENERAL
R6 BY SRI. P. SREEKUMAR, ASGI
R6 BY SHRI.JAISHANKAR V.NAIR, SC,

THIS WRIT APPEAL HAVING COME UP FOR ORDERS ON 13.10.2026, ALONG WITH UNNUMBERED WRIT APPEAL, F. NO. 2121/2026 & BATCH, THE COURT ON 15.10.2026 DELIVERED THE FOLLOWING:

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PRESENT

THE HONOURABLE MR. JUSTICE K. NATARAJAN

&

THE HONOURABLE MR. JUSTICE JOHNSON JOHN

THURSDAY, THE 15TH DAY OF OCTOBER 2026 / 23RD ASWINA, 1948

WA NO. 2125 OF 2026(FILING NO)

JUDGMENT DATED 09.10.2026 IN WP(Crl.) NO.1476 OF 2026 OF HIGH COURT OF KERALA

APPELLANTS/THIRD PARTIES:

- 1 VARISH K., AGED 52 YEARS, S/O. MOIDEEN, RESIDING AT MANNILATH (H), FEROKE P.O., KOZHIKODE, KERALA., PIN – 673 631.
- 2 SHYJAL, AGED 52 YEARS, S/O. K. ISMAIL, THAZHATHEAL HOUSE, A P ROAD, PETTA, FEROKE P.O., KOZHIKODE, KERALA., PIN – 673 631.
- 3 NANDULAL M., AGED 52 YEARS, S/O. NARENDRAN M, MALAKKAL HOUSE, KOLAPPURATH PADIKKAL, FEROKE P.O., KOZHIKODE, KERALA., PIN – 673 005.

BY ADVS.
SHRI.AMEEN HASSAN K.
SMT.LISNA SHERIN T.T.
SMT.UMMUL FADLA T.
SHRI.ABDUL FATHAH
SHRI.RAJESH A.
SHRI.MUNEER AHMED

RESPONDENTS/PETITIONER & RESPONDENTS:-

- 1 ADV. K.M.SHAJAHAN, AGED 63 YEARS,
S/O. LATE K.B.MUHAMADALI, ADVOCATE, NEETHI, TC5/715(5),



PARAYANKONAM LANE, SREEKARYAM, THIRUVANANTHAPURAM.,
PIN – 695 017.

- 2 THE STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY
TO HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN –
695 001.
- 3 THE STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM., PIN – 695 010.
- 4 THE DIRECTOR, VIGILANCE & ANTI-CORRUPTION BUREAU
VIKAS BHAVAN, PMG LAW COLLEGE ROAD, THIRUVANANTHAPURAM,
PIN – 695 033.
- 5 ADDITIONAL DIRECTOR GENERAL OF POLICE (ADGP) (CRIME BRANCH)
POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM.,
PIN – 695 010.
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REPRESENTED BY ADDL. DIRECTOR, DIRECTORATE OF ENFORCEMENT
COCHIN ZONAL OFFICE, A & P ARCADE, S.A.ROAD, NEAR HPCL DEPOT,
KADAVANTHRA, KOCHI., PIN – 682 036.

R1 BY SRI. V. SETHUNATH
R2-R5 BY SRI. JAJU BABU, ADVOCATE GENERAL
R6 BY SRI. P. SREEKUMAR, ASGI
R6 BY SHRI.JAISHANKAR V.NAIR, SC,

THIS WRIT APPEAL HAVING COME UP FOR ORDERS ON 13.10.2026, ALONG WITH
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(F. Nos. 2121 of 2026 & batch)

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'CR'

K. NATARAJAN & JOHNSON JOHN, JJ.

I.A. Nos. 1 of 2026
and
Unnumbered Writ Appeals of 2026
(F. Nos. 2121, 2122, 2123 & 2125 of 2026)

Dated this the 15th day of October, 2026

ORDER

Johnson John, J.

The applicants, who are not parties in the writ petition, filed these petitions seeking leave to file intra court appeal against the judgment of the learned single Judge dated 09.10.2026 in W.P.(CrI.) No. 1476 of 2026.

FACTUAL BACKGROUND:

2. The writ petitioner was aggrieved by the inaction on the part of the State Government in not registering FIR on the basis of the information forwarded by the Enforcement Directorate (ED) under Section 66(2) of the Prevention of Money Laundering Act, 2002 ('PML



Act, 2002' for short). In spite of the fact that the writ petitioner has submitted Exhibits P1 and P2 applications before the Vigilance Director seeking registration of FIR, the State Police Chief issued Exhibit P9 order appointing a special investigation team to conduct preliminary inquiry into the allegations and according to the writ petitioner, when a report under Section 66(2) of the PML Act, 2002 has been forwarded to the State Police Chief recording a preliminary finding that the accused persons referred to therein committed an offence under Section 13(1)(b) of the Prevention of Corruption Act, 1988 ('PC Act' for short), the State Police Chief has no option other than to register FIR and the preliminary inquiry was ordered with an ulterior motive to save the corrupt.

3. The learned single Judge, after considering the materials referred to in the information forwarded by the Enforcement Directorate under Section 66(2) of the PML Act, 2002, found that the decision of the Government to form a special team to conduct inquiry as per Exhibit P9 is illegal, in as much as sufficient materials are disclosed in the



information under Section 66(2) of the PML Act, 2002 for registering the FIR and accordingly, the Director of Vigilance and Anti Corruption Bureau, Thiruvananthapuram was directed to register FIR based on the information furnished under Section 66(2) of the PML Act, 2002 for the offences disclosed therein under the PC Act, against the suspected persons specifically mentioned therein, forthwith, without any delay, and to investigate the allegations through competent officers of the Vigilance and Anti Corruption Bureau and file the final report, without much delay.

4. The averments in support of the applications seeking leave shows that the FIR has been sought to be registered against the applicants and the learned single Judge has allowed the writ petition and ordered registration of FIR without hearing the applicants and the judgment has caused serious prejudices to the applicants and that the applicants are having valid and legal contentions and if they were not permitted to challenge the judgment, they will be left remediless and



that the directions in the impugned judgment will cause serious prejudice to their legal rights.

5. The former Chief Minister and a former Minister are among the applicants and when the matter came up for hearing, the learned Advocate General and the learned counsel appearing for the first respondent/writ petitioner submitted that the respondents in the writ petition have already implemented the directions in the judgment by registering FIR No. VC 6/2026/SIU-I for the offences punishable under Sections 13(2) and 13(1)(d) of the PC Act and Sections 12, 13(1)(b) and 13(2) of the Prevention of Corruption (Amendment) Act, 2018 and Section 120B of IPC and also FIR No. VC.7/2026/SIU-I for the offences under Sections 13(2) and 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018 and Sections 61(2) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and therefore, the reliefs sought for in the proposed writ appeals have become practically infructuous.



6. Heard learned Senior Counsel, Sri. S. Sreekumar, Sri. K. Gopalakrishna Kurup and Sri. T.A. Shaji and Sri. Rajesh A. appearing for the applicants, Sri. Jaju Babu, the learned Advocate General for respondents 2 to 5 and Sri. P. Sreekumar, learned Assistant Solicitor General of India appearing for the 6th respondent and Sri. V. Sethunath, the learned counsel for the writ petitioner/first respondent.

7. Even though arguments on various aspects including the maintainability of the writ petition and merit of the writ appeals are raised, the arguments pertaining to the leave application alone need to be considered at this stage.

SUBMISSIONS ON BEHALF OF THE APPLICANTS:

8. It is argued on behalf of the applicants that the learned single Judge directed the registration of the FIR without hearing the applicants herein and without directing the writ petitioner to implead the applicants as respondents in the writ petition. It is submitted that it is the statutory obligation and duty of the police to investigate, and normally the court



cannot interfere and guide the investigating agency and in this case, after receipt of the report under Section 66(2) of the PML Act, 2002, the Government has decided to conduct a preliminary inquiry and in this connection, the State Police Chief has also issued Exhibit P9 order dated 22.09.2026, by which a special team is constituted for conducting the inquiry. It is argued that the court cannot order registration of an FIR without hearing the affected parties and that the direction in the impugned judgment to register FIR without preliminary inquiry has affected the legal rights of the applicants and therefore, they are entitled for the leave sought for to file writ appeals.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

9. On behalf of the respondents, it is argued that the learned single Judge has not decided the legal rights of the respective applicants in the impugned judgment and the learned single Judge only considered the legal question as to whether any preliminary inquiry is required when a report under Section 66(2) of the PML Act, 2002 with relevant materials disclosing the commission of cognizable offence is furnished



and after analysing the legal positions and materials on record, the learned single Judge recorded a finding and accordingly, the Vigilance and Anti Corruption Bureau was directed to register the FIR based on the information furnished under Section 66(2) of the PML Act, 2002 and the applicants who are the accused persons in the FIR subsequently registered cannot challenge the directions in the impugned judgment, especially in view of the fact that the third respondent in the writ petition has already implemented the judgment by registering the FIR as directed by this Court.

POINTS FOR CONSIDERATION:

10. In the light of the factual background mentioned above and considering the rival arguments, the following points arise for consideration:

1. Whether the applicants established a *prima facie* case to show that the judgment under challenge has affected their legal right ?
2. Whether the accused in a corruption case has a legal right to be heard before registering the FIR?
3. Whether the accused in a corruption case can demand a preliminary inquiry before registering FIR in a corruption case?



ANALYSIS AND CONCLUSIONS:

11. In ***State of Karnataka v. T. N. Sudhakar Reddy*** [2025 KHC OnLine 6177], the Honourable Supreme Court held that preliminary inquiry is not mandatory in every case under the PC Act and if a superior officer is in seisin of a source information report which is both detailed and well-reasoned and such that any reasonable person would be of the view that it *prima facie* discloses the commission of a cognizable offence, the preliminary inquiry may be avoided.

12. In ***State of Karnataka v. Channakeshava H. D*** [2025 KHC OnLine 6326], the Honourable Supreme Court held that an accused public servant does not have any right to be heard before filing an FIR. The Honourable Supreme Court also held that in matters of corruption, a preliminary inquiry, although desirable, is not mandatory and that in a case where a superior officer, based on a detailed source report disclosing the commission of a cognizable offence, passes an order for



registration of FIR, the requirement of preliminary inquiry can be relaxed.

13. In ***Pradeep Nirankarnath Sharma v. State of Gujarat*** [2025 KLT OnLine 1518 (SC)], the Honourable Supreme Court held that the allegations pertaining to the abuse of official position and corrupt practices while holding public office fall squarely within the category of cognizable offences, and there exists no legal requirement for a preliminary inquiry before the registration of an FIR in such cases.

14. The learned single Judge also relied on the judgments of the Honourable Supreme Court in ***Vijay Madanlal Choudhary v. Union of India*** [(2023) 12 SCC 1], ***Lalita Kumari v. Govt. of U.P. & Ors.*** [(2014) 1 SCC (Cri) 524 = (2014) 2 SCC 1], ***Charansingh v. State of Maharashtra & Ors.*** [(2021) 5 SCC 469], ***State of Karnataka v. T.N.Sudhakar Reddy*** [(2025) SCC OnLine SC 382], ***Pradeep Nirankarnath Sharma v. State of Gujarat*** [(2025) 4 SCC 818], ***State of Karnataka v. Channakeshava H.D.*** [(2025) SCC OnLine SC 753] and ***V.S. Achuthanandan v. R.Balakrishna Pillai and Others***



[2011 KHC 4016] and the common order of High Court of Judicature at Madras in ***K.Athinakaran v. State & Ors.*** [WP (MD) 34197/2025 & W.P. CrI.74/2026], and also elaborately considered all the relevant information furnished under Section 66(2) of the PML Act, 2002 before arriving at the conclusion that there are sufficient materials to disclose commission of a cognizable offence and accordingly, directed the third respondent to register the FIR.

15. It is argued on behalf of the applicants that the High court could have passed a judicial order directing investigation against a person and his activities only after giving him an opportunity of being heard, as held by the Honourable Supreme Court in ***State of Punjab Vs. Davinder Pal Singh Bhullar and Ors.*** [2008 3 SCC 542] and ***Divine Retreat Centre v. State of Kerala and others*** [(2008) 3 SCC 542]. But the learned counsel for the respondents pointed out that the direction in the impugned judgment was only to register FIR based on the information furnished under Section 66(2) of the PML Act, 2002 for



the offences disclosed therein under the PC Act against the suspected persons specifically mentioned therein and there is no specific direction individually against the applicants or their activities and therefore, the decisions in ***Davinder Pal Singh Bhullar*** (supra) and ***Divine Retreat Centre*** (supra) are not applicable to the facts of this case.

16. It is well settled that so long as cognizance of an offence is not taken, a writ petition under Article 226 of the constitution to quash the FIR can be filed and after cognizance, the jurisdiction under Section 528 of the BNSS can also be invoked to quash the proceedings.

17. Therefore, it is clear that the impugned judgment has not affected the right of the applicants to pursue their constitutional or statutory remedy against the registration of the FIR and in such a situation, it cannot be held that the applicants established a *prima facie* or arguable case for granting the leave sought for. We find that when sufficient material disclosing commission of cognizable offences are furnished along with the information under Section 66(2) of the PML Act,

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2002, there is no necessity for conducting a preliminary inquiry and that the accused in a corruption case has no legal right to be heard before registering the FIR and the accused persons are also not entitled to demand a preliminary inquiry before registering an FIR in a corruption case. Therefore, the points are answered against the applicants and accordingly, we find that the applications seeking leave to file appeals are liable to be dismissed.

In the result, the applications seeking leave to file appeals are dismissed. Consequently, the appeals are also dismissed.

sd/-
K. NATARAJAN,
JUDGE.

sd/-
JOHNSON JOHN,
JUDGE.

Rv