



2025:KER:71988

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

THURSDAY, THE 25TH DAY OF SEPTEMBER 2025 / 3RD ASWINA, 1947

WP(CRL.) NO. 1097 OF 2025

PETITIONER:

MUHAMMEDSHAMMAS.P

AGED 30 YEARS

S/O.SHAUKKATHALY, PERINGALON, KUPPOL, PERINGOME.P.O, KANNUR-
NOW RESIDING AT PERINGALON - A-1002 OCEANUS SPANDANA,
THANA - P.O., KANNUR DISTRICT, PIN - 670012

BY ADV SHRI.M.BAIJU NOEL

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT GOVERNMENT
OF KERALA, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM,
PIN - 695001
 - 2 THE HOME DEPARTMENT
REPRESENTED BY ITS SECRETARY, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
 - 3 THE DIRECTOR GENERAL
VIGILANCE AND ANTI CORRUPTION BUREAU, PMG, VIKAS BHAVAN,
P.O., OPPOSITE KSRTC DEPOT, THIRUVANANTHAPURAM, PIN - 695033
 - 4 P. P DIVYA
FORMER KANNUR DISTRICT PANCHYATH PRESIDENT, W/O V.P AJITH
THEJAS IRINAVU P.O KANNUR, PIN - 670301
- ADDL R5 THE ADDITIONAL CHIEF SECRETARY,
HOME AND VIGILANCE DEPARTMENT, THIRUVANANTHAPURAM
(ADDL R5 IS IMPEADED AS PER THE ORDER DATED 25.09.2025 IN
THE WRIT PETITION)
SPL PP VACB - RAJESH.A, SR PP VACB - REKHA.S

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON
25.09.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

Dated this the 25th day of September, 2025

This writ petition (criminal) has been filed under Article 226 of the Constitution of India by the petitioner seeking the following prayers:

- i) Issue a writ of Mandamus or any other appropriate Writ, Order or Directions to the 3rd Respondent to register a case against the 4th respondent after conducting a preliminary Enquiry on the basis of the Exhibit-P9 representation submitted by the petitioner.*
- ii) Issue a writ of Mandamus or any other appropriate Writ, Order or Directions to the 3rd respondent to conduct a preliminary Enquiry on the basis of the Exhibit-P9 representation submitted by the petitioner.*
- iii) To dispense with filing of the translation vernacular documents: and*
- iv) Issues any other appropriate writ, order or direction as the Hon'ble Court may deem fit on the facts and circumstances of the case and allow this petition with all costs.*

2. Heard both sides, in detail. Perused the relevant



records.

3. In this matter, the main grievance of the petitioner is non registration of case against the 4th respondent, by the 3rd respondent on the basis of Ext.P9 representation submitted by the petitioner before the 3rd respondent.

4. At the time of hearing, it is submitted by the learned counsel for the petitioner that, the case was not registered against the 4th respondent, based on Ext.P9 representation, for want of prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018 [hereinafter referred as 'P.C. Act' for short] by the Vigilance.

5. In response to the submission made by the learned counsel for the petitioner, the learned Public Prosecutor would submit that, the file, including Ext.P9 was forwarded to the additional 5th respondent and the 3rd respondent is awaiting prior approval, to act upon Ext.P9 representation.

6. At this juncture, the learned counsel for the petitioner submitted that, this petition may be disposed of, directing the additional 5th respondent to consider approval, necessary under Section 17A of the P.C. Act, 2018, within a time frame, to proceed further.



7. This plea was not opposed by the learned Public Prosecutor, since already the file has been forwarded to the additional 5th respondent.

8. In such view of the matter, this writ petition stands disposed of, with direction to the additional 5th respondent to consider approval under Section 17A of the P.C. Act, 2018, sought for by the 3rd respondent and pass orders therein, within a period of two months, from the date of receipt of a copy of this judgment, since the file has been already forwarded on 08.07.2025.

Accordingly, this writ petition stands disposed of as indicated above, with liberty to the petitioner to approach this Court, if his grievance remains to be addressed, hereafter.

Sd/-
A. BADHARUDEEN
JUDGE

SK

**APPENDIX OF WP(CRL.) 1097/2025****PETITIONER EXHIBITS**

Exhibit -P1	TRUE COPY OF THE INFORMATION ABOUT THE CARTON INDIA ALLIANCE PRIVATE LIMITED COMPANY REGISTERED AS 069918 AT REGISTRAR OF COMPANIES ERNAKULAM
Exhibit -P2	TRUE COPY OF RELEVANT PAGES OF THE AUDIT REPORT PUBLISHED BY THE KERALA STATE AUDIT DEPARTMENT FOR THE YEAR 2022-2023 OF KANNUR DISTRICT PANCHAYAT
Exhibit -P3	TRUE COPY OFF THE RELEVANT PAGES OF THE AUDIT REPORT PUBLISHED BY THE KERALA STATE AUDIT DEPARTMENT FOR THE YEAR 2023-2024 OF KANNUR DISTRICT PANCHAYAT
Exhibit -P4	TRUE COPY OF THE REPLY LETTER AS PER RIGHT TO INFORMATION ACT OBTAINED BY THE PETITIONER IN CONNECTION WITH VARIOUS WORKS TENDERED BY THE NIRMIDHI KENDRA KANNUR AS NO. LSGD/DP/KNR/149/2024-C2 DATED 21.11.2024 ISSUED BY THE DISTRICT PANCHAYAT
Exhibit -P5	TRUE COPY OF THE REPLY LETTER OBTAINED BY THE PETITIONER FROM STEEL INDUSTRIAL KERALA LIMITED (SILK) AS NO.SILK/HRD/II(47)2025/484 DATED 27.05.2025
Exhibit -P6	TRUE COPY OF THE SALE DEED NO.3296/1/2021 DATED 15.11.2021 OF SUB REGISTRAR OFFICE ALAKKOD, KANNUR DISTRICT
Exhibit -P7	TRUE COPY OF THE SALE DEED NO.3545/1/2021 DATED 01.12.2021 OF SUB REGISTRAR OFFICE ALAKKOD, KANNUR DISTRICT
Exhibit -P8	TRUE COPY OF THE SALE DEED NO.3544/1/2021 DATED 01.12.2021 OF SUB REGISTRAR OFFICE ALAKKOD, KANNUR DISTRICT
Exhibit -P9	TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 21.02.2025
Exhibit -P10	TRUE COPY OF THE REPLY UNDER RTI ACT NO.RTI-13689/2025/DVACB DATED 19.04.2025