



2025:KER:46382

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 26TH DAY OF JUNE 2025 / 5TH ASHADHA, 1947

WP(CRL.) NO. 1366 OF 2024

PETITIONER:

**MURUGESH NARENDRAN
AGED 67 YEARS
SON OF NARENDRAN, 'AMRITHA BHAVAN',
CHANDANATHOPPU, KOLLAM, PIN - 691014**

BY ADV SRI.PEEYUS A.KOTTAM

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY OF HOME AFFAIRS, 216-J,
2ND FLOOR, D WING, SHASTRI BHAVAN, NEW DELHI,
PIN - 110115**
- 2 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 3 SECRETARY
HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001**
- 4 INSPECTOR GENERAL OF POLICE
THIRUVANANTHAPURAM, OFFICE OF THE INSPECTOR
GENERAL OF POLICE, BAKERY JUNCTION ROAD,
NANDAVANAM, PALAYAM, THIRUVANANTHAPURAM, KERALA,
PIN - 695014**
- 5 SUPERINTENDENT OF POLICE
MALAPPURAM, OFFICE OF DEPUTY SUPERINTENDENT OF
POLICE, KOZHIKODE PALAKKAD HIGHWAY, DOWN HILL,
MALAPPURAM, KERALA, PIN - 676505**



2025:KER:46382

WP(CRL.) NO.1366 OF 2024

2

- 6 MALAPPURAM CYBER CRIME POLICE STATION
UP HILL, P.O, MALAPPURAM DISTRICT, REP. BY
STATION HOUSE OFFICER., PIN - 676505
- 7 THE STATION HOUSE OFFICER
KARUKACHAL POLICE STATION, KOTTAYAM, GJ2Q+PW5, SH
9, KARUKACHAL, KERALA, PIN - 686540
- 8 THE STATION HOUSE OFFICER
MALAPPURAM POLICE STATION, DOWN HILL POST,
MALAPPURAM DT, KERALA, PIN - 676519
- 9 CENTRAL BUREAU OF INVESTIGATION (CBI)
CBI ROAD, KATHRIKADAVU, KALOOR, ERNAKULAM,
KERALA, REPRESENTED BY ITS DIRECTOR., PIN -
682017
- 0 ADDITIONAL DIRECTOR GENERAL OF POLICE (CRIME),
POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM KERALA, PIN - 695010
- 11 DIRECTOR OF CRIME FOR FINANCIAL AGENCY
ENFORCEMENT DIRECTORATE (ED), 6TH FLOOR, LOK
NAYAK BHAWAN, KHAN MARKET, NEW DELHI, PIN -
110003
- 12 THE DIRECTORATE OF REVENUE INTELLIGENCE (DRI)
7TH FLOOR, D BLOCK, INDRAPRASTHA BHAWAN,
INDRAPRASTHA ESTATE, NEW DELHI, PIN - 110002
- 13 P.V.ANVAR (MLA),
NILAMBUR, MLA CAMP OFFICE, MAIN ROAD, NILAMBUR,
PIN - 679329

BY ADVS.

SRI JAISHANKAR V NAIR, SC
SRI K P SATHEESHAN
SMT SEETHA PP, SR PP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 26.06.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



2025:KER:46382

WP(CRL.) NO.1366 OF 2024

3

P.V. KUNHIKRISHNAN, J.

W.P.(Crl.) No.1366 of 2024

Dated this the 26th day of June, 2025

JUDGMENT

The 13th respondent was a 'Member of the Legislative Assembly' (MLA) representing Nilambur State Legislative Constituency in the Kerala State Legislative Assembly. According to the petitioner, the 13th respondent conducted a press meet on 01.09.2024 and he has disclosed to the media and the public that for the last eight months, he has been tapping telephone conversations of various persons, by spending significant amount of money for the same, to gather information about the gold smuggling, and other criminal offences done with the aid of high police officials. It is also the case of the petitioner that the 13th respondent also claimed in the press conference that he had tapped telephone conversations of highly placed persons, including police officials and several others, illegally, with an intention to save



the people of Kerala and to act against the anti-social activities being done by them challenging the sovereignty of India. In the press conference, the 13th respondent admitted the illegal phone tapping of various persons, including police officials, politicians and others, done by him, is the further submission. In the press conference, the 13th respondent had disclosed the details about the phone tapping done by him, knowing that he is doing an illegal act infringing the constitutional rights guaranteed to the citizens under Article 19(1)(a) and 21 of the Constitution of India is the further submission of the petitioner. It is stated in the writ petition that the 13th respondent had lodged a complaint before the State Police Chief on 14.07.2023, alleging that one Shajan Scaria tapped the wireless message of the State Police Force and published such secretly received information on 18.04.2021, through his YouTube channel. The 13th respondent also alleged in his complaint that the petitioner had advanced an amount of Rs. 50 lakhs to Shajan Scaria for procuring machines used for tapping phones. Ext.P1 is the



complaint filed by the 13th respondent before the State Police Chief, is the submission. Pursuant to Ext.P1, Crime No.37/2023 was registered by the Cyber Crime Police Station, Thiruvananthapuram City against Shajan Scaria alleging offences punishable under Sections 21 and 26 of the Indian Telegraph Act, 1885, Section 66(B) of the Information Technology Act, 2000, Sections 3 and 5 of the Official Secrets Act, 1923. Ext.P2 is the FIR.

2. It is submitted that the 13th respondent is inimical towards the petitioner, and he possesses all the paraphernalia required to tap telephones. According to the petitioner, the 13th respondent proudly and daringly announced to the public through print and visual media that he has flouted the fundamental rights of citizens, and though he is aware that tapping of telephone is illegal, he has done it, spending a huge amount. It is the case of the petitioner that even after such open announcement of a crime committed by an MLA, the Central and the State Government and their machineries are not taking any action. It is also submitted that, in the



press conference, the 13th respondent openly declared that he has illegally tapped telephone conversations of various persons and also expressed that high officials in the State Home Department are indulged in murder case as well as in gold smuggling. Therefore, the petitioner submitted that an enquiry by the concerned agencies under the Central Government is also necessary. In paragraph 6 of the writ petition, the petitioner quoted the confession of the MLA in the press conference, in which it is stated that he tapped phone calls to protect his party and to protect the interest of the State. The petitioner produced the audio and video visuals of the press conference conducted by the 13th respondent on 01.09.2024 as Ext.P3. The petitioner also relied on the report published in the Malayala Manorama daily on 02.09.2024, which is produced as Ext.P4. According to the petitioner, the MLA is not an authorised person to tap any telephonic conversation of any person under any statute. Since the petitioner procured evidence that the 13th respondent had tapped his phone, he filed a complaint before the Kerala State



Police Chief and other officials to conduct an enquiry as to the illegal phone tapping done by the 13th respondent, is the further submission. Ext.P5 is the complaint. Ext.P6 is the complaint filed by the petitioner before the District Police Chief, Malappuram. Even then, no action is taken, is the submission. It is further submitted that the 13th respondent claimed that he committed this crime to expose the crimes committed by high officials of the Home Department in collusion with the political higher-ups. The petitioner also submitted that the 7th respondent registered Crime No.1005/2024 against the 13th respondent, alleging offences punishable under Section 192 of the Bharathiya Nyaya Sanhita, 2023, as evident by Ext.P7. When the petitioner came to know about the same, he submitted a representation to the Chief Secretary and others to club his complaint along with the other complaints, and entrust the same to the CBI or other competent central agencies. Ext.P8 is the representation. Even then, there is no action, is the submission. Hence, this writ petition is filed with the following



prayers:

- i. Issue writ of mandamus or any other appropriate writ or direction there by command the 1st respondent to entrust the investigation of Ext-P7 FIR to the 7th respondent CBI coupled with Ext-P5 complaint and direct the CBI to conclude the investigation in a time frame manner.
- ii. Issue writ of mandamus or any other appropriate writ or direction there by command the 1st and 2nd respondents to order a thorough enquiry about the phone tapping done by the 13th respondent as admitted by the 13th respondent on 01/09/2024 and on enquiry if it is found that he has committed the said offence and initiate appropriate proceedings against him to render maximum punishment for the crime committed by him.
- iii. Issue writ of mandamus or any other appropriate writ or direction there by command the respondents 9 to 12 to conduct enquiry with regard to gold smuggling and murder allegedly committed with the aid of high officials of the state police force, referred by the 13th respondent in his press conference dated 01.09.2024 and also propagated through the print and visual media.
- iv. Declare that it is the bounded duty of the central and the state government to make sure to its citizen that the Fundamental rights including individual privacy will not be infringed by any person and since the 13th respondent has openly and publically announce that



he has tapped phone call of several persons it is the duty of the central and state government and its machineries to conduct a proper and thorough enquiry as to the infringement of right to privacy done by him in violation of Section 21 and 26 of Indian Telegraph Act 1885, 16 (6) of Technology Act, 2000, Section 3 and 5 of Official Secret Act, 1923

- v. Grant such other relief which is just and necessary in the interest of justice.
- vi. To dispense with filing of the translation of vernacular documents. *(SIC)*

3. Heard the learned counsel for the petitioner, learned Public Prosecutor, learned standing counsel for the Central Bureau of Investigation and the learned counsel for the 12th respondent. I also heard the learned counsel who appeared for the 13th respondent.

4. The counsel for the petitioner reiterated the contentions raised in this writ petition and submitted that it is a fit case in which a serious investigation is to be conducted against the 13th respondent. The counsel for the 13th respondent submitted that the District Police Chief, Malappuram, conducted an enquiry based on the complaint



submitted by the petitioner, and it was closed because no cognizable offence was made out. Therefore, the prayers in this writ petition are infructuous, is the submission.

5. The Public Prosecutor submitted that a memo is filed producing the proceedings of the Deputy Superintendent of Police, Malappuram.

6. This Court considered the contentions of the petitioner, Public Prosecutor and the counsel for the 13th respondent. A perusal of the averments in the writ petition would show that there are serious allegations against the 13th respondent. If the allegations against the 13th respondent in this writ petition are correct, it is to be looked into by the competent authority in accordance with the law. A perusal of the averments would show that the 13th respondent is conducting a parallel investigation about the alleged crime committed by the high officials of the Home Department, political higher-ups, politicians, etc. The provisions of Bharatiya Nagarik Suraksha Sanhita (BNSS) are applicable not only to the citizens of this country, but also to an MLA. If there



is any complaint against any person, authority or politician, the 13th respondent can file a complaint before the Officer in Charge of the police station concerned as per Section 173(1) of BNSS. If the Officer in Charge of the Police Station is not taking any action, the 13th respondent can approach the Superior Police Officials with the same complaint in the light of Section 173(4) of BNSS. If the Superior Police Officials are also not taking any action, the 13th respondent can approach the Jurisdictional Magistrate Court with an appropriate application and the same is also mentioned in Section 173(4) BNSS. If there is any serious corruption or illegality from the Police Officials, politicians, etc, and the same cannot be redressed through the state police, the 13th respondent can approach this Court, which is the Constitutional Court of the State. He cannot act as a parallel investigating agency and tap the phone calls of others under the guise of collecting evidence. The 13th respondent was an MLA at the relevant time. He is bound by the rule of law. If the allegation in the Writ Petition that he conducted a press conference, and



confessed that he tapped telephone calls of others without their consent, it is a serious case which is to be looked into by the State Police Chief. The counsel for the petitioner submitted that, Deputy Superintendent of Police, Malappuram, conducted an investigation and closed the case. This court perused the proceedings of the Deputy Superintendent of Police, Malappuram, which is produced by the Government Pleader with a memo. I am dissatisfied with the enquiry conducted by him. The officer contends that the petitioner was not able to produce any evidence for a police action. The collection of evidence is not the duty of the petitioner but is that of the police.

7. Now the petitioner has already submitted Ext.P5 complaint to the State Police Chief. I am of the considered opinion that, the State Police Chief should look into Ext.P5 and do the needful in accordance with law and inform the petitioner about the steps taken in it within one month.

Therefore, this Writ Petition (Criminal) is disposed of, with the following directions:



1. The State Police Chief is directed to consider the Ext.P5 complaint and do the needful in accordance with law, and inform the steps taken in Ext.P5 to the petitioner, within one month from the date of receipt of a certified copy of this judgment.

2. The contentions raised by the petitioner and the 13th respondent are left open, and if any investigation is ordered by the State Police Chief, the Investigating Officer will conduct an independent investigation, untrammelled by any observation in this judgment. I make it clear that, the observations in this judgment are for deciding this case alone.

sd/-

P.V.KUNHIKRISHNAN
JUDGE



2025:KER:46382

WP(CRL.) NO.1366 OF 2024

14

APPENDIX OF WP(CRL.) 1366/2024

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | TRUE COPY OF THE COMPLAINT FILED BY THE
13TH RESPONDENT P.V.ANVAR BEFORE THE
STATE POLICE CHIEF DATED 14.07.2023 |
| Exhibit P2 | THE TRUE COPY OF THE FIR IN CRIME NO.
37/2023 OF CYBER CRIME POLICE STATION,
THIRUVANANTHAPURAM REGISTERED AT THE
INSTANCE OF 13TH RESPONDENT P.V.ANVAR |
| Exhibit P4 | THE TRUE COPY OF THE CONTENTS OF THE
PRESS CONFERENCE CONDUCTED BY THE 13TH
RESPONDENT, REPORTED IN MALAYALA
MANORAMA DAILY NEWSPAPER DATED
02.09.2024 |
| Exhibit P5 | . THE TRUE COPY OF THE COMPLAINT FILED
BY THE PETITIONER BEFORE THE KERALA
STATE POLICE CHIEF DATED 11.09.2024 |
| Exhibit P6 | TRUE COPY OF THE COMPLAINT FILED BY THE
PETITIONER BEFORE THE MALAPPURAM
DISTRICT POLICE CHIEF DATED 11.09.2024 |
| Exhibit P7 | THE TRUE COPY OF THE FIR IN CRIME NO.
1005/2024 OF KARUKACHAL POLICE STATION |
| Exhibit P8 | THE TRUE COPY OF THE REPRESENTATION
SUBMITTED BY THE PETITIONER TO THE CHIEF
SECRETARY, STATE OF KERALA & OTHERS
DATED 05.10.2024 |