

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

Tuesday, the 21st day of October 2025 / 29th Aswina, 1947
WP(CRL.) NO. 1261 OF 2025(S)

PETITIONER:

HASHIM, AGED 50 YEARS, S/O SULAIMAN KUNJU,
BAITHAL HUDA VEEDU, HOUSE NO.219, IYKARAVILAKAM,
NEDUMANAGADU, NEDUMANGADU, THIRUVANANTHAPURAM,
PIN - 695 541.

RESPONDENTS:

1. THE STATE POLICE CHIEF, POLICE HEAD QUARTERS, THIRUVANANTHAPURAM,
PIN - 695 001.
2. THE SECRETARY, BAR COUNCIL OF KERALA, COCHIN, PIN - 682 031.
3. THE DISTRICT POLICE CHIEF, TRIVANDRUM CITY, THIRUVANANTHAPURAM,
PIN - 695 001.
4. THE SUPERINTENDENT OF POLICE, THIRUVANANTHAPURAM RURAL,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.
5. THE STATION HOUSE OFFICER, NEDUMENGADU POLICE STATION,
NEDUMENGADU, THIRUVANANTHAPURAM, PIN - 695 541.
6. SULAIKHA U, ADVOCATE, SULAIKHA MANSIL, D/O SRI ABBAS, V.I.P
JUNCTION, PATHAMKALLU, NEDUMANGADU, PIN - 695 541.

Writ petition (criminal) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(Crl.) the High Court be pleased to direct the respondents 1 and 3 to entrust the investigation Crime No.1574 of 2025 of Nedumengadu Police Station to a Superior Police Officer for a time bound investigation pending disposal of the above Writ petition (Criminal).

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of WP(Crl.), this Court's order dated 17/10/2025 and upon hearing the arguments of SRI.K.R.SUNIL, Advocate for the petitioner, PUBLIC PROSECUTOR for R1, R3 to R5, STANDING COUNSEL for R2 and of M/S. K.RAJESH KANNAN & PRAVEEN N. PILLAI, Advocates for R6, the court passed the following:

P.T.O.

Dr. Kauser Edappagath, J

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Dated this the 21st day of October, 2025

ORDER

The petitioner is the respondent in O.P.No.948/2024 in MC No.25/2025 and MC No.34/2025 on the files of the Family Court, Nedumangadu. Those cases were filed by the petitioner's wife Seena Beegam. The respondent No.6 is the counsel engaged by the petitioner to defend his case before the Family Court. Admittedly, during the pendency of the litigation, the matter was amicably settled as per Ext.P1 settlement. According to the petitioner, as per the direction of the respondent No.6, he transferred a sum of ₹40,00,000/- to the account of her husband for handing over to petitioner's wife Seena Beegam as part of settlement. The definite case of the petitioner is that the amount so transferred by him to the account of the husband of the respondent No.6 at the instance of the respondent No.6 was misappropriated by her and her husband. In this regard, the petitioner gave Ext.P2 complaint to the respondent No.4. On the

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basis of the said complaint, Ext.P3 FIR was registered under Sections 316(3) and 318(4) of the Bharatiya Nyaya Sanhita by the respondent No.5 against the respondent No.6 and her husband. The grievance of the petitioner is that, no proper investigation is being done by the respondent No.5 and even though serious allegations have been levelled against the respondent No.6 and her husband, both of them were not arrested so far. Since no serious investigation has been done by the respondent No.5, Ext.P6 complaint was given to the respondent No.3 as well.

2. It is in these circumstances, the petitioner has approached this Court with the following prayers:

"1. To issue a writ of mandamus or orders, directing the 1st and 3rd respondent to consider Exhibit P6 and further to entrust the investigation of Crime No.1574/2025 of Nedumangadu Police Station to a Superior Police Officer and to conduct a time bound investigation.

2. To direct the 2nd respondent to consider Exhibit P5 and to initiate action for the professional misconduct committed by the 6th respondent."

3. Heard both sides.

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4. The respondent No.6 entered appearance through counsel and sworn in an affidavit. In the said affidavit she has admitted that the petitioner has transferred ₹40,00,000/- to her husband's account. It is further admitted in the affidavit that the said amount was utilised by her husband for his business purpose. Out of the ₹40,00,000/-, ₹11,20,000/- was returned by the respondent No.6 to the petitioner and the balance amount is ₹28,80,000/-. In the affidavit, the respondent No.6 has undertaken that she would pay ₹28,80,000/- to the petitioner withing ten days. Even though ten days have elapsed, the amount has not been paid. When the case came up for hearing on the last posting day, the counsel for the respondent No.6 was directed to take instructions from his client as to when the amount can be paid. The counsel today submitted that the respondent No.6 could not mobilise funds so far.

5. The allegation against the respondent No.6 in Ext.P2 complaint and Ext.P3 FIR is serious in nature. The respondent No.6 admits the receipt of settlement amount of ₹40,00,000/- entrusted by the petitioner. This is a case where the settlement amount in a case handed over by a client to his advocate under

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trust was misappropriated. The offences alleged against the respondent No.6 are prima facie attracted. However, as rightly argued by the learned counsel for the petitioner, the respondent No.5 has failed to even apprehend the accused so far. In these circumstances, an interim direction is given to the respondent No.5 to conduct a through investigation in the matter. The respondent No.3 shall monitor the investigation. Needless to say, if the arrest of the accused is necessary for the purpose of the investigation, the respondent No.5 shall arrest the accused in accordance with law.

Post on 6.11.2025.



sd/-

**DR. KAUSER EDAPPAGATH,
JUDGE**

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APPENDIX OF WP(CRL.) 1261/2025

Exhibit P1	THE TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE PARTIES BEFORE THE NODAL OFFICER IN THE MEDIATION CENTER AT NEDUMENGADU DATED 28.7.2025.
Exhibit P2	THE TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER ON 29.8.2025 BEFORE THE 4TH RESPONDENT.
Exhibit P3	THE TRUE COPY OF FIRST INFORMATION REPORT NO.1574/2025 DATED 01.09.2025 REGISTERED BY 5TH RESPONDENT AGAINST 6TH RESPONDENT.
Exhibit P6	THE TRUE COPY OF THE COMPLAINT DATED 10.09.2025 SENT THROUGH E-MAIL TO THE 3RD RESPONDENT.

