IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K. NATARAJAN

&

THE HONOURABLE MR. JUSTICE JOHNSON JOHN

Monday, the 26th day of October 2026 / 4th Karthika, 1948

WA NO. 2182 OF 2026

ARISING FROM JUDGMENT DATED 09.10.2026 IN WP(Crl.) 1476/2026 OF THIS COURT

APPELLANT(S)/THIRD PARTIES:

1. **MOHAMMED RIYAS.PA AGED 50 YEARS S/O.ABDUL KADER P.M., RESIDING AT GRACE, KOTTOOLI, KOTTOOLI P.O., KUTHIRAVATTOM, KOZHIKODE, KERALA, PIN, PIN - 673016**
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 - 673631**

BY SENIOR ADV. SHRI.S.SREEKUMAR AND ADVS.M/S.SRI.AMEEN HASSAN K., LISNA SHERIN T.T., UMMUL FADLA T., ABDUL FATHAH, RAJESH A., MUNEER AHMED, SRI.K.GOPALAKRISHNAKURUP SR. (B/O), N.HARIHARAN SR.(B/O), AND T.A.SHAJI SR. (B/O),

RESPONDENT(S)/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, PIN - 695017**
2. **STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM , PIN - 695001**
3. **THE STATE OF POLICE CHIEF POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM., PIN - 695010**
4. **THE DIRECTOR VIGILANCE AND ANTI-CORRUPTION BUREAU VIKAS BHAVAN, PMG LAW COLLEGE ROAD, THIRUVANANTHAPURAM., PIN - 695033**
5. **ADDITIONAL DIRECTOR GENERAL OF POLICE (ADGP)(CRIME BRANCH), POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM., PIN - 695010**
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 - 682036**

BY ADVS.SRI. V.SETHUNATH, THOMAS ABRAHAM, SHAMNAS S. FOR R1

ADVOCATE GENERAL SRI.JAJU BABU FOR R2 TO R5

SRI.P.SREEKUMAR, ADDITIONAL SOLICITOR GENERAL OF INDIA(ASGI) FOR R6(B/O)

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum, the High Court be pleased to

a) Stay the operation of the judgment dated 09.10.2026 in W.P.(Crl.) No. 1476 of 2026 and all consequential steps including the registration of

an FIR pursuant thereto; and

b) Direct that no coercive steps shall be taken against the Appellants in relation to proceedings arising out of the information furnished by the ED under Section 66(2) of the PMLA on 07.09.2026, pending disposal of this Appeal; and

c) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.

This Writ Appeal coming on for orders on 26.10.2026 along with connected cases and upon perusing the appeal memorandum, the court on the same day passed the following:

THE HIGH COURT OF KERALA
सत्यमेव जयते

MONDAY, THE 26TH DAY OF OCTOBER 2026

WA No. 2182 of 2026

MOHAMMED RIYAS.PA & ANOTHER

VS

ADV. K.M.SHAJAHAN & OTHERS

ADVS FOR APPELLANT/S:
SHRI.AMEEN HASSAN K., SMT.LISNA SHERIN T.T., SMT.UMMUL FADLA T., SHRI.ABDUL FATHAH, SHRI.RAJESH A., SHRI.MUNEER AHMED, SHRI S.SREEKUMAR, CGC

ADVS FOR RESPONDENT/S:
SRI.V.SETHUNATH, SHRI.THOMAS ABRAHAM (K/1051/2010), SHRI.SHAMNAS S.

THE HIGH COURT OF KERALA
सत्यमेव जयते

MONDAY, THE 26TH DAY OF OCTOBER 2026

WA No. 2183 of 2026

VEENA T

VS

ADV. K.M.SHAJAHAN & OTHERS

ADVS FOR APPELLANT/S:
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.

ADVS FOR RESPONDENT/S:
SRI.V.SETHUNATH

THE HIGH COURT OF KERALA
सत्यमेव जयते

MONDAY, THE 26TH DAY OF OCTOBER 2026

WA No. 2184 of 2026

PINARAYI VIJAYAN

VS

ADV. K.M.SHAJAHAN & OTHERS

ADVS FOR APPELLANT/S:
SRI.GILBERT GEORGE CORREYA, SRI.K.K.RAVINDRANATH, SRI.P.NARAYANAN, SRI.MANU V., SMT.THANUSHREE DAMODARAN, SHRI.ABHIJITH M.A

ADVS FOR RESPONDENT/S:
SRI.V.SETHUNATH, SHRI.THOMAS ABRAHAM (K/1051/2010), SHRI.SHAMNAS S.

THE HIGH COURT OF KERALA
सत्यमेव जयते

MONDAY, THE 26TH DAY OF OCTOBER 2026

WA No. 2185 of 2026

VARISH K & OTHERS

VS

ADV. K.M.SHAJAHAN & OTHERS

ADVS FOR APPELLANT/S:

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

ADVS FOR RESPONDENT/S:

SHRI.AMEEN HASSAN K., SRI.V.SETHUNATH, SHRI.THOMAS ABRAHAM (K/1051/2010), SHRI.SHAMNAS S.

THE HIGH COURT OF KERALA
सत्यमेव जयते

K. NATARAJAN & JOHNSON JOHN, JJ.

W.A. Nos.2182/2026, 2183/2026, 2184/2026 & 2185/2026

Dated this the 26th day of October, 2026

COMMON ORDER

Heard the arguments of the learned Senior Counsel Sri. N. Hariharan, learned Senior Counsel Sri. Sidharth Luthra through video conference, learned Senior Counsel Sri. S. Sreekumar, learned Senior Counsel Sri. K. Gopalakrishna Kurup, and the learned Senior Counsel Sri. T. A. Shaji, appearing for the appellants respectively, Sri V. Sethunath, learned counsel for the 1st respondent/writ petitioner, Sri P. Sreekumar, the learned Additional Solicitor General of India (ASGI), appearing for the Enforcement Directorate (ED) and the learned Advocate General, Sri. K. Jaju Babu, appearing for the State Government.

2. The learned Senior Counsel Sri N. Hariharan contended that the judgment of the learned Single Judge should be stayed on various grounds, as the relevant aspects had not been properly considered by the learned Single

Judge. He further submitted that the Hon'ble Supreme Court had taken note of the matter in the Special Leave Petition (SLP) filed by the appellants, granted leave, and remitted the matter to this Court for consideration on merits.

3. The learned Senior Counsel appearing for one of the appellants, Sri. Sidharth Luthra, also argued on various grounds, including the *locus standi* of the first respondent/writ petitioner. The learned Senior Counsel also addressed the applicability of Section 175(4) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), Section 17A of the Prevention of Corruption Act, and Sections 212, 212 (17) (a) & (b) of the Companies Act. It was contended that the judgment of the learned Single Judge should be stayed, and, consequentialy, the investigation and the registration of the FIR pursuant to the judgment of the learned Single Judge should also be stayed.

4. The learned Advocate General contended that, after receipt of information from the ED, a preliminary inquiry was ordered to verify the information, and a special investigation team was constituted for that purpose. While the team was

conducting the inquiry, the writ petitioner approached this Court and the learned Single Judge directed the Police to register an FIR. Accordingly, the FIR was registered. In view of the stay granted by the Hon'ble Supreme Court, the investigation has remained stalled. The learned Advocate General further submitted that the State was ready to resume the investigation if permitted by this Court.

5. The learned ASGI countered the arguments advanced by the learned Senior Counsel appearing for the appellants with respect to Section 212 and the provisions referred to as Sections 212 (17) (a) & (b) of the Companies Act. The learned ASGI contended that the information gathered by the ED could be shared with the police and that the police had been informed accordingly to enable the registration of the FIR and the conduct of the investigation in accordance with the relevant provisions of the other than the Companies Act. It was therefore submitted that there was no infirmity in the judgment. The learned ASGI further submitted that, after the registration of FIR, the ED also registered an Enforcement Case Information Report (ECIR) and commenced

its investigation.

6. The learned counsel for the 1st respondent/writ petitioner also countered the arguments of the learned counsel for the appellants and contended that the writ petitioner had *locus standi*. In support of his case, he relied on various judgments and prayed for the dismissing the appeals.

7. Having heard the arguments of both sides at length, we also perused the judgment of the Hon'ble Supreme Court, in which the Hon'ble Supreme Court considered various legal aspects and remitted the matter back to this Court for considering the matter on merits.

8. Both sides relied upon various judgments of the Hon'ble Supreme Court and judgments of learned Single Judges of other High Courts, including the Madras High Court.

9. Considering all those grounds, the matter requires detailed consideration, as this Court is required to answer various legal issues and question of law arising in the cases.

10. Hence, all the Appeals are admitted. Consequently, the judgment passed by the learned Single Judge of this

Court in W.P. (Crl.) No.1476 of 2026 is stayed until the next date of hearing.

11. Though the learned ASGI contended that the FIR should not be stayed, the learned Senior Counsel Sri Sidharth Luthra relied on a judgment of the Hon'ble Supreme Court and submitted that the judgment passed by the learned Single Judge was a nullity in the eye of law. Therefore, it was submitted that the investigation and the FIR should be stayed. However, this issue will be considered while delivering the final judgment.

12. Looking into the facts and circumstances of the case, further investigation pursuant to the FIR registered by the police is hereby kept in abeyance until further orders.

List the matters for final hearing on 25.11.2026.

Sd/-

K. NATARAJAN, JUDGE

Sd/-

JOHNSON JOHN, JUDGE

S.M.K.