

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No.6517/2025

[Arising out of impugned final judgment and order dated 11-04-2025 in CRLMC No.8044/2018 passed by the High Court of Kerala at Ernakulam]

K.M. ABRAHAM

Petitioner

VERSUS

JOMON PUTHENPURACKAL & ORS.

Respondents

Date : 30-04-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. R Basant, Sr. Adv.
Mr. G. Prakash, AOR
Mr. S. Chandrasekharan Nair, Adv.
Mrs. Beena Prakash, Adv.
Mr. Jishnu M. L., Adv.
Ms. Priyanka Prakash, Adv.
Mr. Raunak Arora, Adv.
Mr. Anoop R, Adv.

For Respondent(s) :Mr. Abhilash M R, Adv.
Mr. Arivazhagan, Adv.
Mr. Sandeep Singh, Adv.
M/S. M R Law Associates, AOR

Mr. Jaideep Gupta, Sr. Adv.
Mr. C. K. Sasi, AOR
Ms. Meena K. Poullose, Adv.
Ms. Racheeta Chawla, Adv.
Ms. Sampriiti Baksi, Adv.
Mr. Siddharath Banerjee, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Mr. R Basant, learned senior counsel appearing for the petitioner, while

referring to the decisions of coordinate Benches of this Court in **Anil Kumar & Ors. v. M.K. Aiyappa @ Anr.**¹ and **L. Narayana Swamy V. State of Karnataka & Anr.**² submits that without sanction, the Magistrate could not have directed registration of an FIR (exercising power under Section 156 of the Code of Criminal Procedure, 1973) for alleged commission of offence by the petitioner under the Prevention of Corruption Act, 1988³.

2. In his usual fairness, Mr. Basant has also referred us to the decisions of this Court in **Manju Surana v. Sunil Arora & Ors.**⁴, **B.S. Yeddiyurappa V. A Alam Pasha & Ors.**⁵ and **Shamin Khan v. Debashish Chakrabarty & Ors.**⁶. He submits that a co-ordinate Bench in **Manju Surana (supra)** has referred the issue to a larger Bench. Noticing such decision, other co-ordinate Benches in **Shamin Khan (supra)** and **B.S. Yeddiyurappa (supra)** have also directed tagging of the respective proceedings with the file of **Manju Surana (supra)**.

3. Since the law laid down in **Anil Kumar (supra)** and **L. Narayana Swamy (supra)** have not yet been reversed, the same continues to be valid and operative.

4. In such view of the matter, we issue notice and grant stay of FIR No.RC0332025A0004 dated 25th April, 2025 registered at Police Station ACB Cochin, District Cochin, Kerala under Sections 13(2) r/w 13(1)(e) of the PC Act in terms of the order of the High Court under challenge in this special leave petition, till the next date of hearing.

5. Mr. Jaideep Gupta, learned senior counsel with Mr. C.K. Sasi, learned

¹ (2013) 10 SCC 705

² (2016) 9 SCC 598

³ PC Act

⁴ (2018) 5 SCC 557

⁵ SLP (CrI.) No.520/2021

⁶ SLP (CrI.) No.3567-3568/2017

advocate-on-record, on caveat, has entered appearance on behalf of the State of Kerala.

6. Mr. Abhilash M. R., learned counsel accepts notice on behalf of the respondent no.1-complainant.

7. Service of formal notice on the respondent no.1-complainant and the respondents 2 & 3 stand dispensed with.

8. Issue notice to the respondent no.4.

9. Tag this special leave petition with Criminal Appeal No.457/2018.

(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)