HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 5245 of 2026

M/S Jvl Infra Height Ltd. Thru. Authorised Representative, Chandauli

.....Petitioner(s)

Versus

Directorate Of Enforcement Represented By Its Assistant Director, Civil Lines, Prayagraj

.....Respondent(s)

Counsel for Petitioner(s) : Pranjal Krishna, Aman Prakash
Counsel for Respondent(s) : Rohit Tripathi

Court No. - 9

HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE ZAFEER AHMAD, J.

1. Heard Sri Pranjal Krishna, learned counsel for the petitioner and Sri Rohit Tripathi, learned counsel for the opposite party i.e. Directorate of Enforcement.

2. By means of this petition, the petitioner has prayed for the following reliefs :-

a. Issue an appropriate writ, order or direction in the nature of certiorari quashing the impugned summons No. PMLA/SUMMON/ALSZO/2026/1112/405 dated 14.5.2026[Annexure A-1] issued by the respondent to Mr. Amit Bohra in F.No. ALSZO/6/2020/ECIR No. ALSZO/06/2020 to the extent it seeks post-complaint collection of evidence in respect of the petitioner, an accused already arrayed in the prosecution complaint.

b. Issue an appropriate writ, order or direction in the nature of prohibition restraining the respondent Directorate of Enforcement from undertaking any re-investigation/further investigation in ECIR No. ALSZO/06/2020 after having filed prosecution complaint dated 25.11.2025.

3. Sri Pranjal Krishna, learned counsel for the petitioner has drawn attention of this Court towards Annexure A-2, which is prosecution compliant filed by the Enforcement Directorate under Section 44 and 45 of the PMLA Act, 2002. He has referred to para 16 of the complaint wherein the complainant department has indicated that the investigation in respect of the accused no. 1 to 25 is complete and the complainant craves the leave of the Court to file further supplementary complaint(s) as investigation with regard to other persons/entities involved in this case including tracing the balance proceeds of crime.

4. Sri Pranjal Krishna, learned counsel for the petitioner has stated that the name of the petitioner finds place at serial no. 9 in the list of the accused, therefore, the investigation against the petitioner stands completed. He further submits that the Enforcement Directorate is summoning other person without obtaining prior leave from the court and for all practical purposes in the name of further investigation, that too without taking prior leave of the court, the Enforcement Directorate is conducting re-investigation, which is impermissible in law.

5. Sri Pranjal Krishna, learned counsel for the petitioner states that if the competent court grants leave for further investigation, the same may very well be conducted but before that if any exercise is undertaken that shall be impermissible in the eyes of law. To buttress the aforesaid submission, he placed reliance upon the judgment of the Apex Court passed in case of **Pramod Kumar and others versus State of Uttar Pradesh and others reported in 2026 SCC OnLine SC 156** referring para 13, which is extracted below :-

"13. Thereafter, vide communication dated 26.04.2021, the Superintendent of Police, Agra informed the Additional Superintendent of Police/Divisional Officer, Crime Branch, A.A.D., Agra, of the nomination of the IO in the present case and also directed him to make available the special report relating to the further investigation (in 10 days), the draft of the plan (in 20 days) and the monthly progress report in the prescribed formats to the headquarters on time and complete the investigation as soon as possible and send the final progress to the headquarters".

6. Sri Rohit Tripathi, learned counsel for the Enforcement Directorate has referred sub-clause (ii) of the Explanation of Section 44 of the PMLA Act, 2002, which reads as under :-

Section 44 :- Offences triable by Special Courts.

[Explanation.--For the removal of doubts, it is clarified that,--

(i) .....

(ii) the complaint shall be deemed to include any subsequent complaint in respect of further investigation that may be conducted to bring any further evidence, oral or documentary, against any accused person involved in respect of the offence, for which complaint has already been filed, whether named in the original complaint or not.

7. Sri Rohit Tripathi, learned counsel for the Enforcement Directorate has stated that in the light of the aforesaid statutory provision of law the exercise undertaken by the Enforcement Directorate is patently legal and valid, however he has submitted that at this stage he has specific instructions that the Enforcement Directorate is not proposing to take

coercive measure steps against any person and he may be allowed for filing a detailed counter affidavit indicating therein the legal and factual position, therefore, at least two weeks' time may be given to file counter affidavit.

8. The matter requires consideration.

9. Let a counter affidavit be filed within a period of two weeks, to be more precise, on or before 17.6.2026 after serving an advance copy upon learned counsel for the petitioner so that he may go through the contents of the counter affidavit and if it is so needed he may filed rejoinder affidavit within three days.

10. List on 23.6.2026 within top ten cases.

11. The matter may be taken up after fresh.

12. In the meantime, the impugned exercise which is being undertaken by the Enforcement Directorate shall remain subject to final outcome of the present writ petition.

(Zafeer Ahmad,J.) (Rajesh Singh Chauhan,J.)

May 29, 2026
kanhaiya

Digitally signed by :-
KANHAIYA KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench