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CrI.O.P.No.732 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.732 of 2023

1.Dr.P.Vijayan
Son of Late P.Perumal

2.V.Anitha
Wife of Dr.P.Vijayan

.. Petitioners

Vs.

Deputy Director,
Directorate of Enforcement,
Government of India, Ministry of Finance,
Department of Revenue, 2nd and 3rd Floor, No.84,
Murugesan Naickar Office Complex,
Greams Road, Thousand Lights,
Chennai – 600 061.

.. Respondents

Petition filed under Section 482 Cr.P.C. to call for the entire records
in C.C.No.37 of 2015 in ECIR.No.09 of 2014 on the file of the Principal
Sessions Court, (Special Court Constituted Under Section 43(1) of the
Prevention of Money Laundering Act, 2002), Chennai and quash the same.



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For Petitioners : Mr.N.Baaskaran

For Respondents : Mr.Rajnish Pathiyil
Special Public Prosecutor (ED)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This second round of quash petition that has been filed by the petitioners for quashing the prosecution in C.C.No.37 of 2015 in ECIR.No.09 of 2014 on the file of the Principal Sessions Court, (Special Court Constituted Under Section 43(1) of the Prevention of Money Laundering Act, 2002 [for brevity “the PML Act”]), Chennai, the first round being in CrI.O.P.No.22222 of 2016, which has been dismissed by this Court on 01.02.2021 by holding in paragraph no.11 as follows:

“11. In view of the reverse burden under Section 24 of the PML Act, we cannot decide this issue in a quash petition under Section 482 Cr.P.C.

In fine, this criminal original petition is dismissed as being devoid of merits. Liberty is given to the accused to raise all the points before the trial Court after the charges are framed as there are prima facie materials to frame charges. The trial Court shall proceed with the trial uninfluenced by the observations made in this case.



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Connected Crl.M.Ps. are closed.”

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2. The learned counsel for the petitioners submitted that this Court, has, in an earlier case, granted stay of the prosecution under the PML Act on certain grounds.

3. We are afraid that we cannot extend the same now to this case also, especially, in view of the clear cut finding in paragraph no.11, which is extracted above, that there are *prima facie* materials for framing charges against the petitioners.

Hence, we find no merit in this petition warranting interference in the prosecution. Accordingly, this criminal original petition stands dismissed with liberty to the petitioners to raise all the points before the trial Court.

[P.N.P., J.] [N.A.V., J.]
11.01.2023

nsd



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To
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1.The Deputy Director,
Directorate of Enforcement,
Government of India, Ministry of Finance,
Department of Revenue, 2nd and 3rd Floor, No.84,
Murugesan Naickar Office Complex,
Greens Road, Thousand Lights,
Chennai – 600 061.

2.The Special Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

nsd

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11.01.2023