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W.P.Nos.5120 & 5121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.Nos.5120 & 5121 of 2024
and W.M.P.Nos.5632, 5633, 5636 & 5637 of 2024

Suresh Venkatachari

... *Petitioner in WP.No.5120/2024*

Rohit Arora

... *Petitioner in WP.No.5121/2024*

Vs.

The Deputy Director,
Enforcement Directorate, Chennai,
Chennai Zonal Office-I,
Nos.3 & 4, Murugesu Naicker Office Complex,
84, Greaves Road, Thousand Lights,
Chennai – 06.
in ECIR/CEZO-1/17/2020

... *Respondent in both WPs*

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records in PAO No.04/2023 dated 19.04.2023 passed by the respondent and confirmed by the Adjudicating Authority in OC 1975/2023 dated 09.10.2023 and quash the same.



W.P.Nos.5120 & 5121 of 2024

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For Petitioners : Mr.T.N.C.Kaushik
(in both WPs)

For Respondent : M/s.Cibi Vishnu
(in both WPs)

COMMON ORDER

(Order of the Court was made by **SUNDER MOHAN, J.**)

Admittedly, the F.I.R for the predicate offence against these petitioners, was quashed by this Court in CrI.O.P.Nos.30980 & 23687 of 2019 vide order dated 10.05.2023. Subsequently, the ECIR recorded by the respondent was also quashed by this Court vide order dated 12.12.2023 in WP.No.10901 of 2023 etc. batch.

2. Since the ECIR proceedings and the F.I.R. for the predicate offence have been quashed, the respondent cannot proceed with the impugned PAO.No.04/2023 dated 19.04.2023.



W.P.Nos.5120 & 5121 of 2024

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3. Accordingly, these Writ Petitions stand allowed and the proceedings of the respondent in PAO.No.04/2023 dated 19.04.2023, is hereby quashed. The petitioners are at liberty to intimate the concerned Registering Authority about the lifting of the provisional attachment order for removing the encumbrance of attachment over the subject properties. No costs. Connected miscellaneous petitions are closed.

[M.S.R., J]

[S.M., J]

13.03.2024

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

The Deputy Director,
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