



WEB COPY



W.P.No.6909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.6909 of 2024
and W.M.P.No.7716 of 2024

1.V.Sriraman

2.V.Shankara Raman

3.Kamakshi Shankar Raman

4.R.Kalyanaraman

5.G.Venkatarajulu

... Petitioners

Vs.

1.The Joint Director,
Directorate of Enforcement,
Chennai Zonal Office-I,
No.2,5th & 6th Floor,
BSNL Administrative Building,
Kushkumar Road, Nungambakkam,
Chennai-600 034.

2.The Assistant Director,
Directorate of Enforcement,
Chennai Zonal Office-I,
II & III Floor, Murugesu Naicker Complex,
No.84, Greaves Road, Chennai-600 006.

... Respondents



W.P.No.6909 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for records of the respondent in ECIR/CEZO-I/04/2020 dated 18.12.2020 and 18.08.2023 on the file of the respondents and quash the same.

For Petitioner : Mr.T.M.Mano
For Respondents : Mr.N.Ramesh
Special Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

This Writ Petition has been filed seeking to call for records of the respondent in ECIR/CEZO-I/04/2020, dated 18.12.2020 and 18.08.2023 and quash the same.

2.Mr.N.Ramesh, learned Special Public Prosecutor takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal at the admission stage itself.

3.The sole ground on which the petitioners seek for quashing of the ECIR proceedings dated 18.12.2020 and 18.08.2023 is that the



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predicate offence, insofar as these petitioners herein are concerned, were already closed by the Investigating Officer, which came to be accepted by the Special Court dealing with CBI cases relating to Banks and financial institutions through an order dated 31.01.2024 in CrI.M.P.No.65 of 2024. When the predicate offence itself has been closed, the ECIR proceedings cannot be continued.

4. In view of the earlier decision of the Hon'ble Supreme Court in the case of *Vijay Madanlal Choudhary and Others vs. Union of India and others*, reported in (2022 SCC OnLine SC 929), the impugned proceedings in ECIR No.CEZO-I/17/2020 is quashed.

5. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [S.M., J]

14.03.2024

(1/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Anu



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Anu

To

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