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W.P.Nos.7694 & 7695 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.03.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

W.P.Nos.7694 & 7695 of 2024 &  
W.M.P. Nos.8675 & 8676 of 2024

N. Parthiban ... Petitioner in W.P. No.7694 of 2024

S. Murali Kumar ... Petitioner in W.P. No.7695 of 2024  
Vs.

1.The Joint Director,  
Directorate of Enforcement,  
Chennai Zonal Office-I,  
No.2, 5<sup>th</sup> and 6<sup>th</sup> Floor,  
BSNL Administrative Building,  
Kush Kumar 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 in both W.Ps



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**Common Prayer:** Petitions filed under Article 226 of the Constitution of India, praying to issue Writ of certiorari, calling for the records in ECIR/CEZO-I/04/2020 dated 07.08.2023 on the file of the respondents and quash the same as far as the petitioners are concerned.

**In both the Writ Petitions**

For petitioner : M/s. Shuwakitha

For Respondents : Mr.N. Ramesh  
Special Public Prosecutor

**COMMON ORDER**

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

The present Writ Petitions have been filed seeking to call for the records of the respondents in ECIR/CEZO-I/04/2020 dated 07.08.2023 and quash the same.

2. The co-accused in this case had filed W.P. No.6909 of 2024 challenging the ECIR proceedings. We had quashed the proceedings by an order dated 14.03.2024, which reads as follows:



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*"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 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 Crl.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."*



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3. In view of the above, these Writ Petitions stand allowed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

**[M.S.R., J] [S.M., J]  
27.03.2024**

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Index : Yes / No

Neutral Citation : Yes / No

To

- 1.The Joint Director,  
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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

bga

W.P.Nos.7694 & 7695 of 2024 &  
W.M.P. Nos.8675 & 8676 of 2024

**27.03.2024**