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W.P.No.10931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

W.P.No.10931 of 2024

C.M.Raghavan

...Petitioner

vs.

1.The Joint Director,
Enforcement Directorate,
Government of India,
Shastri Bhavan, 3rd Floor,
B Wing, 3rd Block, Haddows Road,
Subba Road, Nungambakkam,
Chennai – 600 034.

2.Mr.I.C.Robert Bruce,

3.Mr.Nainar Nagenthiran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, and to direct the first respondent to dispose of petitioner's representation dated 07.04.2024.

For Petitioner : Mr.A.Immanuel

For 1st respondent : Mr.N.Ramesh
Special Public Prosecutor



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ORDER

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

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This writ petition has been filed to direct the first respondent to dispose of the petitioner's representation dated 07.04.2024.

2. In his representation dated 07.04.2024, the petitioner has alleged that the Television News Channels had telecasted a news on 07.04.2024 that a person, who was a close associate of the BJP candidate Mr.Nainar Nagendran, was allegedly found with Rs.4 crores, meant for disbursement to the voters of Tirunelveli Parliamentary Constituency for the Parliament Elections, 2024. In view of the same, he had requested the Enforcement Directorate, Chennai, to take legal action against the candidate.

3. Mr.N.Ramesh, the learned Special Public Prosecutor for the first respondent/Enforcement Directorate, placed reliance on Sections 3 and 2(u) of the Prevention of Money Laundering Act, 2002 (PMLA) and submitted that in the absence of proceeds of crime and a scheduled offence, they have no authority to consider the petitioner's request for proceeding against the named person in his representation.



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4. As submitted by the learned Special Public Prosecutor, the offence of money laundering would be attracted only when a person directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it as untainted property.

5. Even according to the petitioner, the criminal case registered in FIR No.177, dated 06.04.2024, against three prisoners, who are involved in the aforesaid incident, was for the offences under Sections 171(C), 171(E), 171(F) and 188 of the Indian Penal Code (IPC).

6. The aforesaid offences, for which the FIR has been registered against the offenders, are not the scheduled offences under the IPC, as set forth in the PMLA. If that be so, we are unable to comprehend as to how the Enforcement Directorate could take any action on the petitioner's representation. As such, calling upon them to consider the representation would be a futile exercise.



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

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7. Accordingly, the Writ Petition stands dismissed. No costs.

(M.S.R.,J.) (S.M.,J.)
24.04.2024

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk

Copy to:

The Joint Director,
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