



Crl.O.P.No.9901 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

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

Crl.O.P.No.9901 of 2024
and Crl.M.P.No.6825 of 2024

R.Rajasekar

... Petitioner

Vs.

The Assistant Director
Office of the Joint Director
Directorate of Enforcement,
Chennai Zonal Office-1,
Government of India, 5th and 6th Floor,
BSNL Administrative Building
Kushkumar Road, Nungambakkam,
Chennai-600 034

... Respondent

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in summon bearing No.PMLA/SUMMON/CEZO/2024/1429, dated 11.03.2024 with F.No. CEZO/5/2024 issued by the respondent and quash the proceedings in PMLA/SUMMON/CEZO/2024/1429, dated 11.03.2024 with F.No.CEZO/5/2024.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.N.Ramesh
Special Public Prosecutor



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ORDER

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

This Criminal Original Petition has been filed seeking to quash the summons issued by the respondent pursuant to the investigation conducted in a pending ECIR.

2. Admittedly, the predicate offence which was registered in Cr.No.688 of 2022 on the file of the Inspector of Police, Selaiyur Police Station, Pallikaranai, was closed as 'further action dropped' and the same was accepted by the learned Judicial Magistrate-II, (FAC), Tambaram vide order dated 17.04.2024.

3. Since the proceedings of the predicate offence has been closed, the respondent cannot proceed further, as per the judgment of the Hon'ble Supreme Court in the case of '**Vijay Madanlal Choudhary & others Vs. Union of India & others**' reported in '**(2022) SCC Online SC 929**', wherein, it is ruled as follows:-

"467. ...(v) (d) The offence under Section 3 of the 2002 Act is dependent on illegal gain of property as



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a result of criminal activity relating to a scheduled offence. It is concerning the process or activity connected with such property, which constitutes the offence of money-laundering. The Authorities under the 2002 Act cannot prosecute any person on notional basis or on the assumption that a scheduled offence has been committed, unless it is so registered with the jurisdictional police and/no pending enquiry/trial including by way of criminal complaint before the competent forum. If the person is finally discharged/acquitted of the scheduled offence or the criminal case against him is quashed by the Court of competent jurisdiction, there can be no offence of moneylaundering against him or any one claiming such property being the property linked to stated scheduled offence through him."

4. Hence, this Criminal Original Petition stands allowed and the summon bearing No.PMLA/SUMMON/CEZO/2024/1429 dated 11.03.2024 is quashed. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (S.M.,J.)
06.06.2024
(2/2)

Index : Yes / No
Speaking / Non Speaking order
Anu



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

Anu

To

The Assistant Director
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