



WEB COPY

W.P.No.33274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.33274 of 2023
and
W.M.P.No.33020 of 2023

MGM Anand

... Petitioner

Vs.

The Assistant Director,
Enforcement Directorate,
Chennai Zone – II,
Shastri Bhavan, 3rd Floor, 3rd Block, B – Wing,
No.26, Haddows Road, Chennai 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records pertaining to the impugned summons dated 17.11.2023 in PMLA / Summon/ CEZO 2/ 2023/ 740 in ECIR / CEZO/ II/ 26/ 2022 being violative of Hon'ble Supreme Court Stay Order dated 10.04.2023, ex-facie illegal, exceeding jurisdictional powers.



W.P.No.33274 of 2023

For Petitioner : Mr.B.Kumar
Senior Counsel
Mrs.K.Kokilavane

For Respondent : Mr.N.Ramesh
Special Public Prosecutor
[For Enforcement Directorate]

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

Mr.B.Kumar, learned Senior Counsel appearing on behalf of the petitioner would submit that the learned counsel on record Mrs.K.Kokilavane filed memo dated 09.09.2024 to withdraw the writ petition filed challenging the summons issued by the Enforcement Directorate under Section 50 of Prevention of Money Laundering Act, 2002.

2. Learned Senior Counsel would submit that Special Leave Petition (SLP) was filed before the Hon'ble Supreme Court of India challenging the order dated 19.12.2022 passed in W.P.No.28140 of 2022. The Apex Court granted an interim order initially that the respondent shall not proceed against the petitioner with reference to ECIR/CEZO – II/26/2022 until further orders.

3. Finally, the SLP. CrI.Nos.154 and 155 of 2023 was dismissed. Since



W.P.No.33274 of 2023

the SLP was dismissed, the present writ petition cannot sustain, as the grounds raised in the writ petition was based on the interim order granted by the Hon'ble Supreme Court on 10.04.2023.

4. Mr.N.Ramesh, learned Special Public Prosecutor appearing on behalf of the respondent would submit that the present petitioner is not a party to the proceedings before the Hon'ble Supreme Court of India in SLP.Crl.Nos.154 and 155 of 2023. Though he was a Director of the said company, under Section 70 of Prevention of Money Laundering Act, 2002 company also may be an accused.

5. Learned Special Public Prosecutor would further submit that all along the stand of the respondent / Enforcement Directorate was the interim order passed by the Hon'ble Supreme Court is not a bar for the Enforcement Directorate to issue summon against the petitioner / MGM Anand in his personal capacity. However, due to pendency of the present petition and the SLP, the petitioner could increase the longevity of the proceedings and investigation.

6. Learned Senior Counsel has made it clear that by withdrawing the



W.P.No.33274 of 2023

writ petition, the Enforcement Directorate shall proceed with the matter in accordance with law.

7. Considering the facts and circumstances, there is no impediment for the respondent to proceed with the case by following the due procedures as contemplated under the Act.

8. With these observations, the Writ Petition stands dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [V.S.G., J.]
10.09.2024

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

Jeni



W.P.No.33274 of 2023

To

WEB COPY

- 1.The Assistant Director,
Enforcement Directorate,
Chennai Zone – II,
Shastri Bhavan, 3rd Floor, 3rd Block, B – Wing,
No.26, Haddows Road, Chennai 600 006.
- 2.The Special Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.33274 of 2023

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

Jeni

W.P.No.33274 of 2023

10.09.2024