



2024 : DHC : 3424-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5930/2024 & C.M.Nos.24636/2024, 24699-24700/2024**
ASHOK KUMAR SINGH AND ORS Petitioners

Through: Mr.N.Zubemo Lotha, Advocate.

versus

UNION OF INDIA AND ANR Respondents

Through: Mr.Anurag Ahluwalia, CGSC with
Mr.Shivam Sachdeva, Advocate for
UOI.
Mr.Zoheb Hossain, standing counsel
for ED with Mr.Vivek Gurnani and
Mr.Kartik Sabharwal, Advocate for
R-2/ED.

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Date of Decision: 29th April, 2024

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ (Oral):

1. Present writ petition has been filed seeking the following reliefs:-

"I. Issue a Writ of Mandamus or any other appropriate Writ, Order or the Directions as may be held to be fit & proper-

A. To render an authoritative interpretation of scope & domain of section 66 of the PMLA, 2002 & to state, clarify & declare if the law empowers & obligates the ED, & Director, ED acting either under his own hand & seal or by its subordinates to lodge FIR with Police under the Police Act, 1861 u/s 154 of Cr.P.C., 1973.

B. To render authoritative interpretation of law under the PMLA, 2002 qua the safeguards available to accused under the PMLA, 2002 if the

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Director, ED/its subordinates become complainant/informant u/s 154 (1) of Cr.P.C, 1973 against the accused in the light of the Constitution Bench judgment dated 31.08.2020 of the Apex Court in "Mukesh Vs. State (Narcotics Branch of Delhi)", SLP(Crl.) Diary No.38528/2018 as Director, ED/its subordinates are not Police Officers & not subject to safeguards of the Police Manual; the Cr.P.C., 1973; & also the Indian Evidence Act, 1872.

C. To render an authoritative interpretation of the law under the PMLA 2002 if the ED, & Director, ED can claim rights & remedies conferred on an individual as victim of offence by the Constitution Bench judgment of Apex Court in the case of "Lalita Kumari Vs. State of U.P.", (2014) 2 SCC 1 & can invoke Extra-ordinary Writ jurisdiction of High Court/s under Article 226 & 227 of the Constitution of India for its enforcement.

D. To render an authoritative interpretation of the law under the PMLA 2002 if the ED, & the Director, ED can invoke the Extra-ordinary Writ jurisdiction of the High Court under Article 226 of the Constitution of India against State/Union of India over its alleged inaction/s as perceived by the ED & the Director, ED.

II. To pass any other or further Orders as deemed to be fit & proper by this Hon'ble Court in facts/circumstances of case."

2. At the outset, Mr.Zoheb Hossain, learned counsel for respondent no.2/ED raises a preliminary objection to the maintainability of the present Public Interest Litigation (PIL) on the ground that it espouses a private cause. He also submits that the issue raised in the present PIL is no longer *res integra* as it is covered by the judgment of the Supreme Court in **Vijay Madan Lal Choudhary vs. UOI & Ors., (2022) SCC Online 929**.

3. Learned counsel for the petitioner seriously disputes the aforesaid submissions. He states that an authoritative interpretation of Section 66 of the Prevention of Money Laundering Act, 2002 ('PMLA Act') would benefit the society at large including the officers of Enforcement Directorate ('ED'). He submits that the judgment **Vijay Madan Lal Choudhary** (supra)



does not authoritatively interpret the scope and domain of Section 66 of PMLA Act.

4. It is settled law that it is for the parties in the criminal case to raise all the questions and challenge the proceedings initiated against them at appropriate time before the proper forum and not for third parties under the garb of public interest litigants (See: *Sanjai Tiwari vs. State of Uttar Pradesh & Anr.*, (2021) 15 SCC 660).

5. Moreover, the present PIL does not challenge the constitutionality and/or validity of any statutory provision or rule. In fact, the primary relief sought in the present PIL seeks an authoritative interpretation of the scope and domain of Section 66 of the PMLA Act, which can easily be done by a learned Single Judge.

6. Consequently, this Court refuses to entertain the present PIL. It, however, gives liberty to the aggrieved parties to raise the issue of interpretation of Section 66 of the PMLA Act before the appropriate Court in proper proceedings. Needless to say that if the said issue is raised, the same shall be decided in accordance with law. The rights and contentions of all the parties are left open.

7. With the aforesaid liberty, the present petition along with the applications is dismissed.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 29, 2024
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