

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3778 OF 2025

Kamlesh Manohar Kanungo & Ors.

.....Petitioners

Vs.

Directorate of Enforcement & Anr.

.....Respondents

Mr. Pranav Badheka, Senior Advocate i/b Mr. Ryan peters for Petitioners.
Mr. Anil C. Singh, Additional Solicitor General of India a/w Mr. Aditya Thakkar, Mr. Krishnakant Deshmukh, Ms. Rama Gupta, Mr. Rajdatt Nagre i/b Mr. Anil Yadav for the Respondent No.1-ED.
Ms. MM. Deshmukh, Acting PP. a/w Mr. Vinod Chate, APP for the Respondent No.2-State.
Mr. Vikash, Assistant Director ED is present in Court.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 18th DECEMBER, 2025.**

P.C.:-

- 1) By this Petition under Article 226 of the Constitution of India, the Petitioners have prayed for a writ of Certiorari or any other appropriate writ, to quash and set aside the “*de-novo*/fresh/re-investigation/further investigation” being conducted into ECIR/MBZO-I/05/2018, and any pursuant action thereon and for any other consequential reliefs.
- 2) Heard Mr.Badheka, learned senior Advocate for Petitioners, Mr.Singh, learned Additional Solicitor General of India for Respondent No.1 and Ms. M.M. Deshmukh, learned Acting PP. for the Respondent No.2-State. Perused entire record and the Affidavit dated 14th August, 2025 of Mr.Vikash, the Assistant Director of Respondent No.1.

3) Mr.Badheka, learned Senior Advocate appearing for the Petitioners submitted that, the investigation into the documents and all the other aspects which is being now carried out by the Respondent No.1 was well within its knowledge even at the time of filing of the said complaint on 10th December, 2023. That, after the Petitioners settled various accounts with their lenders, have got their properties released, the Respondent No.1 investigating Agency has now started *de-novo* investigation of the said crime under the garb of further investigation. He submitted that, the process of the said investigation being conducted by Respondent No.1 is unending and therefore the same may be quashed.

4) Mr. Singh, learned Additional Solicitor General drew our attention to the Affidavit filed by Mr. Vikash, Assistant Director of Respondent No.1. Mr. Singh submitted that, the investigation of the present crime is in three parts. The amount involved in the crime is trifurcated. He submitted that, as far as first part is concerned i.e. the sum of approximately Rs.438 crores are concerned, the said complaint i.e. which has been numbered as P.M.L.A. Special Case No.1069 of 2020, is already filed. The further investigation pertaining to the amounts of Rs.355 crores and Rs.487 crores is being conducted by the Respondent No.1.

5) At the outset, it be noted here that, the Investigating Agency i.e. Respondent No.1 is neither conducting *de-novo* investigation nor fresh/re-investigation of ECIR/MBZO-I/05/2018. After investigating the

said crime, the Respondent No.1 has already filed complaint i.e. P.M.L.A. Special Case No.1069 of 2020, in the Court of Special Judge (P.M.L.A. Act), Greater Mumbai on 10th December, 2023. Perusal of record indicates that, what is being conducted is the further investigation of the said crime, in which the Respondent No.1 has already filed the said complaint i.e. P.M.L.A. Special Case No.1069 of 2020, in the Court of Special Judge (P.M.L.A. Act), Greater Mumbai.

6) The table stated in paragraph No.12 of the said Affidavit reads as under :-

Sr. No.	Particulars	Amount	Remarks
1	In the form of loan and advances in his own 05 entitites	Rs.438.52 crores	This aspect has already been investigated, and a Prosecution Complaint has been filed wherein properties valued at approximately Rs.206 Crore have been attached. The said complaint is supported by documentary evidence comprising approximately 3,518 pages.
2	Take over of 5 entities of Kirti Kedia	Rs.355 crores	Investigation with respect to the said five entitites was ongoing and could not be completed earlier due to the voluminous nature of the transactions involved and the extensive scrutiny of documents running into approximately 5,473 pages. Consequently, these entities were not included in the Prosecution Complaint already filed. However, upon completion of a detailed investigation, properties amounting to Rs.217.99 Crore, identified as proceeds of crime, have now been provisionally attached. An Original Complaint under Section 5(5) of the Prevention of Money Laundering Act, 2002, has also been filed before the Hon'ble Adjudicating Authority for confirmation of the said Provisional Attachment Order.

3	By way of bogus sales of Aluminium foil & Machines	Rs.487 crores	The aspect mentioned at Serial No.3 is still pending investigation, and the proceeds of crime identified therein will be considered for attachment upon completion of the investigation at Serial No.2.
	Total PoC	Rs. 1280.25 crores	

6.1) It is the case of the Respondent No.1 that, the present crime i.e. the offence of Money Laundering is registered on the basis of the commission of the predicate offence. That, the agency investigating predicate offence i.e. C.B.I, had initially filed a charge-sheet in the year 2021 and thereafter filed supplementary charge-sheets in the year 2022 and 2024. That, in the supplementary charge-sheet filed in the year 2024, the role of the Petitioners in commission of the financial offences relating to take over and subsequent transactions of five Companies acquired by the Petitioner No.1 from Ms.Kirti Kedia is revealed. That, the investigation which is being conducted reveals the involvement of the Petitioners in the offence of money laundering. It is the specific case of the Respondent No.1 that, the investigation carried out till date reveals that, a systematic layering, concealment and use of proceeds of crime was committed by the Petitioners. Record indicates that, the investigation of the present crime is extremely complex in nature. As per the Affidavit, the investigating Agency is scrutinizing the evidence of thousands of pages and it is for this reason, a lot of time required in completion of the investigation.

- 7) Mr. Singh, learned Additional Solicitor General, on instructions from the Investigating Officer submitted that, the investigating Agency will conclude the investigation of present crime as expeditiously as possible and in any event within a period of two years from today. The said statement is accepted.
- 8) In view of the the above, we are not inclined to entertain the Petition and to quash the crime in question.
- 9) Petition is accordingly disposed off.

(RANJITSINHA RAJA BHONSALE J.)

(A.S. GADKARI, J.)