



Crl.R.C.Nos.316 & 407 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Crl.R.C.Nos.316 & 407 of 2025
and
Crl.M.P.Nos.2977 & 4508 of 2025

Dr.S.Srilekha

...Petitioner in both cases

vs.

The Assistant Director,
Directorate of Enforcement,
Government of India, Ministry of Finance,
Department of Revenue,
II & III Floor, 'C' Block,
Murugesu Naicker Office Complex,
84, Greaves Road, Chennai – 600 006.

...Respondent in both cases

Prayer in Crl.R.C.No.316 of 2025: Criminal Revision Case filed under Section 438 r/w 442 of BNSS 2023 to call for the records in Crl.M.P.No.23863 of 2022 on the file of Principal Sessions Court cum Special Court constituted under the PMLA 2002 at Chennai – 104 (Trial Court) in Calendar Case No.1 of 2019 and set aside the order dated 04.01.2025 made in Crl.M.P.No.23863 of 2022.



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Prayer in Crl.R.C.No.407 of 2025: Criminal Revision Case filed under Section 438 r/w 442 of BNSS 2023 to call for the records in C.C.No.1 of 2019 on the file of Principal Sessions Court cum Special Court constituted under the PMLA 2002 at Chennai – 104 (Trial Court) and set aside the order of framing of charges on 21.02.2025 as against the petitioner herein.

(in both cases)

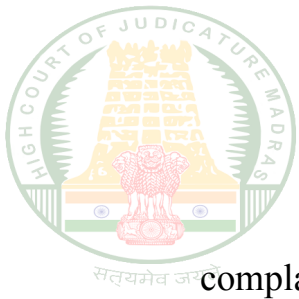
For Petitioner : Mr.G.Ravikumar

For Respondent : Mr.P.Sidharthan
Special Public Prosecutor

COMMON ORDER

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

The petitioner herein has been arrayed as the third accused in the proceedings under the Prevention of Money Laundering Act (hereinafter referred to as 'the PMLA') in C.C.No.1 of 2019 before the Sessions Court, Chennai. Therein, he had filed a miscellaneous petition in Crl.M.P.No.23863 of 2022 under Section 227 Cr.P.C. to discharge him from the PMLA case. The Sessions Court, in its order dated 04.01.2025, had recorded that there were *prima facie* materials before it to infer that the petitioner herein has involved herself in the offence alleged in the



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complaint and thereby rejected the same, which order is assailed in the present revisions.

2. The learned counsel for the petitioner submitted that an ECIR came to be recorded on the strength of FIR in RC No.MA1 2013 A 0004, dated 08.02.2013 registered by the CBI, ACB, Chennai. According to him, the first accused in C.C.No.13 of 2014 was acquitted on 19.11.2021 by the Special Court for CBI Cases and the case against the second accused was quashed by this Court in Crl.O.P.No.3177 of 2019. Since no ECIR was registered against the petitioner herein, the respondent cannot maintain the private complaint against him. In other words, it is his submission that without the ECIR with respect to the Crime No.RC MA1 2013 A 0001, dated 08.01.2013, the private complaint against the petitioner cannot be legally sustained.

3. Per contra, the learned Special Public Prosecutor submitted that the petitioner has conspired with A1 to pay a legal gratification to the officials of DCI for obtaining approval of 6 specialities of MDS Courses and the funds derived therein falls under the definition of “Proceeds of

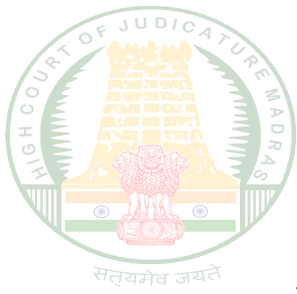


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Crime”. Since the petitioner has facilitated in deriving the illegal gratification by A1, she has knowingly been a party in the process or activity connected with the proceeds of crime. Insofar as the claim that no ECIR was recorded in the petitioner's name is concerned, he would submit that the investigation under PMLA had merged with ECIR No.4 of 2016 and hence, the complaint under the PMLA was maintainable.

4. We find from the records that the offences recorded in FIR in RC No.MA1 2013 A 0004, dated 08.02.2013 comprises of the Scheduled Offences under the PMLA. On the strength of this FIR, the respondent had recorded an ECIR No.4 of 2016 dated 18.03.2016, for investigation of the offence of money laundering. Thereafter, the details in RC MA1 2013 A 0001, dated 08.01.2013, registered by the CBI against the members of DCI in the criminal case of demand and acceptance of illegal gratification were obtained and the investigation under PMLA was merged with aforesaid ECIR. In view of the same, the proceedings under the PMLA initiated by the respondents may be maintainable.



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5. We do not intend to elaborate any further on the objections raised by the petitioner, being conscious of the fact that our findings above are only on a *prima facie* view and any further observations may have a bearing on the main proceedings before the Special Court.

6. While rejecting the grounds raised by the petitioner, we hereby hold that the petitioner would be at liberty to raise the same objections during the course of trial and the Special Court shall deal with the evidences before it and pass appropriate orders, without being influenced by any of the observations made by us herein above.

7. Accordingly, both the Criminal Revision Cases stand dismissed.
No costs. Consequently, connected miscellaneous petitions are closed.

[M.S.R, J.]

[V.L.N, J.]

16.06.2025

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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To

1.The Assistant Director,
Directorate of Enforcement,
Government of India, Ministry of Finance,
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II & III Floor, 'C' Block,
Murugesu Naicker Office Complex,
84, Greaves Road, Chennai – 600 006.

2.The Special Public Prosecutor,
High Court of Madras.

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