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Crl.O.P.No.12147 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Crl.O.P.No.12147 of 2025 and

Crl.M.P.No.8114 of 2025

Shri Ahmed A.R.Buhari

... Petitioner/A1

-VS-

Directorate of Enforcement,
Rep. by its Assistant Director,
Government of India,
2nd and 3rd Floor, C Block,
Murugesan Naicker Office Complex,
No.84, Greams Road, Thousand Lights,
Chennai-600 006.

... Respondent/Complainant

Prayer: Petition filed under Section 528 BNSS, 2023 to quash the criminal complaint in Special C.C.No.1 of 2022 before the XIII Additional Special Judge for CBI Cases, Chennai.

For Petitioner : Mr.B.Satish Sundar

For Respondent : Mr.N.Ramesh
Spl. Public Prosecutor

ORDER



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J.NISHA BANU,J.,

AND

S.SOUNTHAR,J.,

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This petition has been filed, challenging the criminal complaint filed against the petitioner / A1 in Special C.C.No.1 of 2022 on the file of the XIII Additional Special Judge for CBI Cases, Chennai.

2. When the petitioner/accused had challenged the FIR in RC221/2018/E0003 dated 22.01.2018 registered by the Central Bureau of Investigation (CBI) under Sections 120B r/w Section 420 IPC and Section 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act, 1988, the High Court of Delhi, by an order dated 16.09.2025 in Crl.M.C.No.2639 of 2021 and Crl.M.A.No.4776 of 2023, Crl.M.A.No.15461 of 2025, had quashed the FIR on the basis of the closure of connected FIR registered as RC0292013A0020GNR as against the petitioner/accused.

3. In the case on hand, the petitioner/accused has questioned the case registered by the Respondent Investigating Agency in ECIR/CEZO-1/01/2018 dated 31.01.2018 for offences under Sections 3 and 70 of the Prevention of Money Laundering Act, 2002 punishable under



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Section 4 of the Act, which culminated into Special C.C.No.1 of 2022 on the file of the XIII Additional Court for CBI Cases, Chennai.

4. Learned counsel for the petitioner assailed the validity of the continuance of the proceedings before the CBI Court, Chennai in the absence of predicate offences. Though learned Special Public Prosecutor admitted the quashing of FIR by the Delhi High Court in respect of predicate offences, he pressed for continuance of the PMLA proceedings against the petitioner/accused.

5. It is a settled proposition of law that when an accused is finally discharged from the predicate offences, there can be no offence of money laundering. Hence, any incidental action that may have been taken against such persons by the Enforcement Directorate, would also become infructuous. In the case of *Vijay Madanlal Choudhary & Others Vs. Union of India and Others* reported in *(2022 SCC OnLine SC 929)*, this legal position was reiterated in the following manner:-

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



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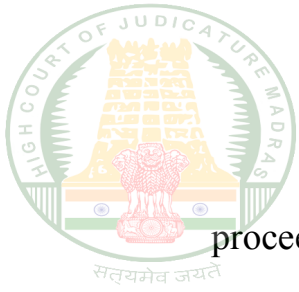


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criminal activity relating to a scheduled offence. It is concerning the process or activity connected with such property, which constitutes the offence of money~laundering. The Authorities under the 2002 Act cannot prosecute any person on notional basis or on the assumption that a scheduled offence has been committed, unless it is so registered with the jurisdictional police and/or 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 money laundering against him or any one claiming such property being the property linked to stated scheduled offence through him.”

6. When the predicate offences in FIR in RC221/2018/E0003 dated 22.01.2018 on the file of the Central Bureau of Investigation had been quashed as against the petitioner by the Delhi High Court vide orders dated 16.09.2025 in Crl.M.C.No.2639 of 2021 and Crl.M.A.No.4776 of 2023, Crl.M.A.No.15461 of 2025, the respondent herein would be estopped from pursuing the proceedings against the petitioner under the PMLA before the Special (CBI) Court, in view of the categorical precedent of the Supreme Court in *Vijay Madanlal Choudhary's case* (supra).

7. In the light of the above findings and observations, the



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proceedings in Special C.C.No.1 of 2022 before the XIII Additional Special

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Judge for CBI Cases, Chennai is quashed. Accordingly, this Criminal Original Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

(J.NISHA BANU,J.) (S.SOUNTCHAR,J.)

07.10.2025

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Index: Yes / No

Internet: Yes / No

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To:

1. The XIII Additional Special Judge for CBI Cases,
Chennai.
2. The Assistant Director,
Directorate of Enforcement,
Government of India,
2nd and 3rd Floor, C Block,
Murugesan Naicker Office Complex,
No.84, Greaves Road, Thousand Lights,
Chennai-600 006.
3. The Special Public Prosecutor (ED Cases)
High Court, Madras.

J.NISHA BANU, J.



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