



Crl.O.P.No.13852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

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CORAM :

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

Crl.O.P.No.13852 of 2025
and
Crl.M.P.No.9253 of 2025

1.P.Gowsika Boopathi

2.G.Amudha

...Petitioners

Vs.

The Assistant Director,
Directorate of Enforcement,
Govt. of India, Ministry of Finance,
Department of Revenue,
II and III Floor, 'C' Block,
Murugesan Naicker Office Complex,
84, Greaves Road, Thousand Lights,
Chennai – 600 006.

...Respondent

Prayer: Petition filed under Section 482 Cr.P.C. r/w. Section 528 of BNSS praying to call for the records in and connected with C.C.No.20 of 2016 on the file of the learned Principal Sessions Judge, Special Court for PMLA Cases, Chennai and quash the same.



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For Petitioners : Mr.B.Satish Sundar

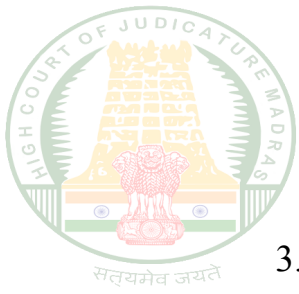
For Respondent : Mr.V.Parivallal
Special Public Prosecutor

ORDER

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

The Central Crime Branch (Team-II) had registered an FIR in Crime No.225 of 2011 dated 23.12.2011 against the first petitioner and one Ravi. After investigation, the prosecution had laid a charge sheet arraying the first petitioner as the first accused and the proceedings were taken on file before the learned Judicial Magistrate No.I, Poonamallee in C.C.No.84 of 2019. Subsequently, the case was re-numbered as C.C.No.212 of 2023.

2.When the first petitioner had challenged the FIR in Crime No.225 of 2011 dated 23.12.2011, which culminated into C.C.No.212 of 2023 on the file of the learned Judicial Magistrate No.I, Poonamallee, a Co-ordinate Bench of this Court, through orders passed on 12.12.2024 in Crl.O.P.No.16929 of 2017, had quashed both the FIR and the proceedings in C.C.No.212 of 2023 as against the first petitioner/first accused.



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3.In the meantime, the respondent herein had recorded an Enforcement Case Information Report bearing ECIR No.09/CEZO/PMLA/2012 under the provisions of the Prevention of Money Laundering Act, 2002 [hereinafter referred to as “PMLA”] against the first petitioner. The second petitioner, who is the wife of the first petitioner, was also summoned by the respondent and her statement was recorded and after recording the same, their joint property registered under Document No.3656 of 2008, was provisionally attached under Section 5(1) of PMLA through proceedings in PAO.No.05/2015 dated 23.03.2015. On appeal against the order of the adjudicating authority before the Appellate Tribunal for PMLA, an order of interim stay was granted on 31.12.2020, which is said to be pending.

4.The second petitioner herein, was neither an accused in the FIR in Crime No.225 of 2011, nor was charge sheeted on completion of the investigation for the predicate offences.

5.While the learned counsel for the petitioners questioned the validity of the continuance of the proceedings before the Special Court under the



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PMLA in the absence of a predicate offence, the learned Special Public Prosecutor admitted that the second petitioner was not charge sheeted, but however pressed for continuance of the PMLA proceedings against the first petitioner.

6.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 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



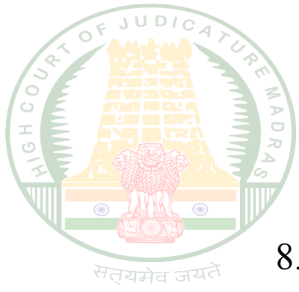
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jurisdictional police and/or pending enquiry/trial including by way of criminal complaint before the competent forum. If the person is finally discharged/acquitted of the scheduled offence or the criminal case against him is quashed by the Court of 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.”

7. When the predicate offences in C.C.No.212 of 2023 on the file of the learned Judicial Magistrate No.I, Poonamallee have been quashed as against the first petitioner by this Court through orders passed in Crl.O.P.No.16929 of 2017 dated 12.12.2024 and the second petitioner was never an accused in the said case, the respondent herein would be estopped from pursuing the proceedings against the first petitioner under the PMLA before the Special Court, in view of the categorical precedent of the Supreme Court in ***Vijay Madanlal Choudhary's case (supra)***. So also, the PMLA proceedings may not be maintainable against the second petitioner, who has not been charge sheeted for the predicate offences, which fact has also been admitted by the respondent themselves in their counter affidavit filed before this Court.

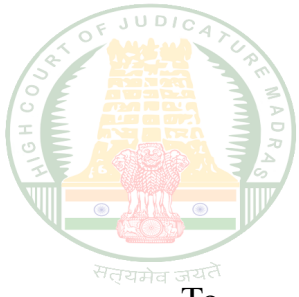


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8.In the light of the above findings and observations, the proceedings in C.C.No.20 of 2016 on the file of the learned Principal Sessions Judge, Special Court for PMLA Cases, Chennai is quashed. Accordingly, the Criminal Original Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R, J.] [V.L.N, J.]
16.07.2025

Index:Yes
Neutral Citation:Yes
Speaking order
hvk



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To
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- 1.The Principal Sessions Judge,
Special Court for PMLA Cases,
Chennai.
- 2.The Assistant Director,
Directorate of Enforcement,
Govt. of India, Ministry of Finance,
Department of Revenue,
II and III Floor, 'C' Block,
Murugesan Naicker Office Complex,
84, Greams Road, Thousand Lights,
Chennai – 600 006.
- 3.The Special Public Prosecutor,
High Court of Madras.



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