



Crl.O.P.No.19621 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM :

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

Crl.O.P.No.19621 of 2025
and
Crl.M.P.Nos.13402 & 13491 of 2025

G.Ganesan

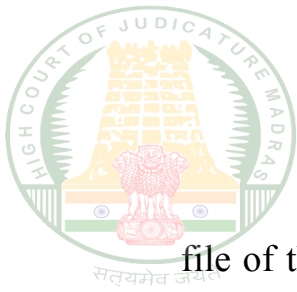
...Petitioner

Vs.

The Deputy Director,
Directorate of Enforcement,
Ministry of Finance,
Chennai Zonal Office-II,
B-Wing, Shastri Bhawan,
Haddows Road, Chennai – 600 006.

...Respondent

Prayer: Petition filed under Section 528 of BNSS praying to call for the entire records pertaining to the impugned proceedings dated 23.06.2025 in C.C.No.9 of 2023 pending on the file of the Principal Sessions Judge cum Special Court constituted under the Prevention of Money Laundering Act, Chennai, pertaining to opening of case of prosecution by Special Public Prosecutor and to quash the same, in view of the pendency of the predicate offence cases in C.C.No.24 of 2021 and C.C.No.25 of 2021, pending on the



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file of the Special Court for Trial of Cases relating to MPs/MLAs, Chennai,
which are at the summons stage.

For Petitioner : Dr.S.Muralidhar, Senior Counsel

For Respondent : Mr.Rajnish Pathiyil,
Special Public Prosecutor

ORDER

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

On the basis of an Enforcement Case Information Report (ECIR) recorded by the Enforcement Directorate, a complaint was lodged against Mr.V.Senthil Balaji, which was taken on file in C.C.No.9 of 2023. When the trial was in progress in this case, the Enforcement Directorate had filed a supplementary complaint against Mr.Ashok Kumar and 12 others, including the petitioner herein, who was arrayed as Accused No.5, on the ground that these accused persons were also involved in the said offence.

2. In the light of the decision of the High Court of Tenlangana at Hyderabad in the case of *V.Vijay Sai Reddy Vs. Enforcement Directorate* reported in **2022 SCC OnLine TS 1604**, the petitioner claimed that the offence of money laundering cannot precede the scheduled offence and



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therefore, since the Special Court, trying the offence of money laundering, requires to take a pause and await the ultimate pronouncement/decision of the Special Court trying the scheduled offence, he had filed a petition under Section 346 of BNSS (Section 304 of Cr.P.C.), seeking for deferment of the trial in the Prevention of Money Laundering Act (PMLA) case, until completion of the trial in the predicate offences. However, the Special Court had returned this petition questioning its maintainability, aggrieved against which, the petitioner is before this Court.

3. The learned Senior Counsel appearing on behalf of the petitioner emphatically placed reliance on *V.Vijay Sai Reddy's case (supra)* and submitted that, without pronouncement of judgment in the predicate offence, the trial in the money laundering case should not be allowed to proceed. He also raised certain grounds questioning the action of the Special Court in taking cognizance of the supplementary complaint.

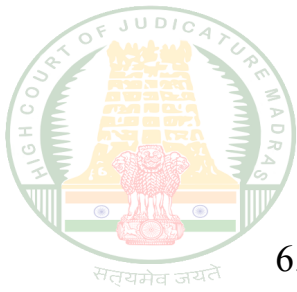
4. Since we are of the view that it would be appropriate for the Special Court to consider the issue as to whether the proceedings under the PMLA, should be continued or deferred, we deem it appropriate to direct the Special



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Court to take the miscellaneous petition seeking for deferment of proceedings on file for adjudication. We hasten to add here that there cannot be any legal embargo for the Special Court to take the petition for deferment on its file. However, since the petitioner appears to have some grievance on the Special Court in having taken cognizance of the supplementary complaint, the ends of justice could be secured, if the petitioner herein is granted liberty to challenge such an action before this Court.

5. In the light of the above observations and findings, the petitioner is granted liberty to re-present the miscellaneous petition filed by him under Section 346 of BNSS, seeking for deferment of the PMLA proceedings and on such re-presentation, the Special Court shall take the same on file, adjudicate it and pass final orders in accordance with law, within a period of four weeks from the date of receipt of the miscellaneous petition. Till such time, the Special Court shall not proceed further on its action of taking cognizance of the supplementary complaint. The petitioner is also granted liberty to challenge the action of the Special Court in taking cognizance of the supplementary complaint filed by the Enforcement Directorate, before this Court.



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6. With the above directions and liberty, the Criminal Original Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[M.S.R, J.]

[V.L.N, J.]

09.07.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

hvk

Note: Issue order copy on 10.07.2025

To

1.The Principal Sessions Judge,
Chennai.

2.The Special Court
for Trial of Cases relating to MPs/MLAs,
Chennai.

3.The Deputy Director,
Directorate of Enforcement,
Ministry of Finance,
Chennai Zonal Office-II,
B-Wing, Shastri Bhawan,
Haddows Road, Chennai – 600 006.

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



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V. LAKSHMINARAYANAN, J.

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