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Crl.O.P.No.25746 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

Crl.O.P.No.25746 of 2022
and Crl.M.P.No.15947 of 2022

1.M/s.Star Forex India Pvt. Ltd.,
Rep. by its Director Mr.S.Nelson,
(i) Registered address No.1, Ellis Road,
Mount Road, Chennai – 600 002. and
(ii)No.35, Amman Complex, 1 Floor,
Kodambakkam High Road, Chennai – 600 034.

2.Shri.S.Nelson,
Director of M/s.Star Forex India Pvt. Ltd.,
No.33-A, Thilli Nagar, Ram Nagar,
Devakottai, Sivagangai District.

3.Shri.S.Rajendran

4.Shri.S.Naganathan

... Petitioners

Vs.

Directorate of Enforcement,
Rep. by its Asst. Director, Government of India,
Ministry of Finance, Department of Revenue,
2nd & 3rd Floor, Murugesu Naicker Complex,
No.84, Greaves Road, Chennai – 600 006.

... Respondent



Crl.O.P.No.25746 of 2022

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the case in C.C.No.23 of 2019 on the file of the learned Principal Sessions Judge at Chennai, quash the same by allowing this quash petition.

For Petitioners	: Mr.T.Gowthaman, Senior Counsel for Mr.R.Swarnavel
For Respondent	: Mr.Rajinish Pathiyil, Special Public Prosecutor (E.D)

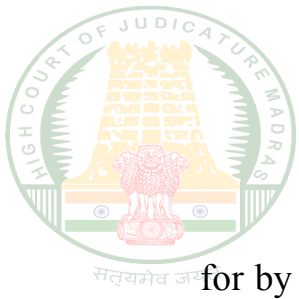
ORDER

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

This Criminal Original Petition has been filed challenging the order of the learned Principal Sessions Judge, Chennai dated 27.04.2019 passed in C.C.No.23 of 2019.

2. Heard the learned senior counsel for the petitioners, as well as the learned Special Public Prosecutor appearing for the respondent.

3. Though the learned Special Public Prosecutor appearing for the respondent has raised several objections with regard to the prayer sought



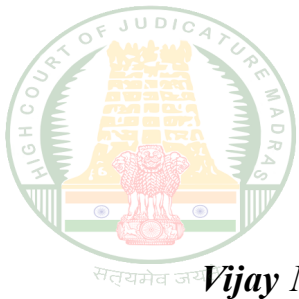
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for by the petitioners herein, the learned senior counsel would submit that the Hon'ble Supreme Court of India in the case of '**Vijay Madanlal Choudhary & others Vs. Union of India & others**' reported in '**2022 SCC OnLine SC 929**' in paragraph 467(v)(d) has held that when the predicate offence for which the Enforcement Directorate has initiated proceedings had ended in acquittal, the prosecution cannot be proceeded any further under PMLA Act. In the instant case, in the predicate offence in C.C.No.18127 of 2005, the petitioners herein were acquitted from the charges. The relevant portion of which reads as follows:-

..... “(xxvii) *Considering the facts and circumstances this court comes to the conclusion is that the prosecution side failed to prove the offence against the accused A1 for the offences U/s.420 of IPC and A2 to A4 for the offences U/s. 120B r/w.419, 420, 467, 468 and 471 IPC beyond all reasonable doubts and the benefit of the doubts are given to the accused and the accused are not found the guilty of the above said offences and they are acquitted in the above charges and under section 248 (i) of The Code of Criminal Procedure, 1973.*”

4. In view of the law laid down by the Hon'ble Supreme Court in



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Vijay Madanlal Choudhary's case (supra), the respondent herein will not have an authority to proceed any further with the proceedings in C.C.No.23 of 2019, which is pending with the learned Principal Sessions Judge, Chennai.

5. Accordingly, the proceedings in C.C.No.23 of 2019 pending on the file of the learned Principal Sessions Judge, Chennai, is hereby quashed and this Criminal Original Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

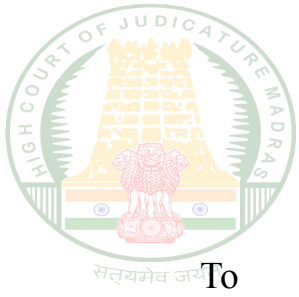
06.03.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Sni



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To
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Assistant Director of Directorate of Enforcement,
Government of India,
Ministry of Finance, Department of Revenue,
2nd & 3rd Floor, Murugesu Naicker Complex,
No.84, Greaves Road, Chennai – 600 006.



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