



CrI.O.P.(MD)No.812 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

CrI.O.P.(MD)No.812 of 2025

- 1.Rajkumar Aravinth
- 2.Bharathraj
- 3.Gopalakrishnan @ Subramanian Gopalakrishnan ... Petitioners

Vs.

- 1.The Assistant Director (PMLA),
Directorate Enforcement Government of India,
Madurai.
- 2.The Deputy Director,
Directorate of Enforcement,
Madurai Sub Zonal Office,
Madurai.
- 3.The Inspector of Police,
Economic Offences Wing,
Tirunelveli – 627 002.
- 4.The Competent Authority/
The District Revenue Officer,
Tirunelveli. ... Respondents



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Prayer : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to direct the 4th respondent to take necessary action to settle the remaining claimants in Crime No.1 of 2020 on the file of 3rd Respondent.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India for R1 & R2.
Mr.T.Senthil Kumar,
Addl. Public Prosecutor for R3 & R4.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioners were running a financial establishment in the name and style of Blue Max Capital Solutions Private Limited, Tirunelveli. Crime No.1 of 2020 was registered on the file of Economic Offences Wing, Tirunelveli against the said establishment and the petitioners herein for the offence under Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 apart from IPC offences.



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3.The Enforcement Directorate also subsequently stepped in. The petitioners were in possession of crypto-currency and they were attached by the first respondent. The petitioners herein had earlier filed Crl.O.P.(MD)No.16861 of 2024 before us for converting the crypto-currency into indian currency. Appropriate directions were issued by us on 18.12.2024.

4.It was agreed that after conversion into indian currency, the assets will remain under attachment. The process of conversion is presently going on.

5.In this background, the present criminal original petition has been filed for directing the District Revenue Officer, Tirunelveli to take necessary action for settling the remaining claimants in Crime No.1 of 2020. According to the learned counsel for the petitioners, there were totally 196 claimants, out of which 184 have already been settled.

6.It is true that under statutory scheme governing Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act,



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1997, the District Revenue Officer is the competent authority to settle the claims. But under Section 8(8) of Prevention of Money Laundering Act, 2002, it is the affected individual who has to go before the Special Court for raising the attachment.

7.Pursuant to the notice issued by us, the District Revenue Officer, Tirunelveli has written to the second respondent on 28.01.2025 seeking certain information so that the remaining claimants also can be settled.

8.We direct the second respondent to furnish all the necessary details to the fourth respondent after the conversion process is effected. We direct the second respondent to furnish the details sought for by the fourth respondent within a period of five weeks from today ie., 29.01.2025. Once the fourth respondent is possessed with the necessary information, he in turn is directed to inform the remaining claimants and advise them to move the Special Court to raise attachment under Section 8 of the Prevention of Money Laundering Act, 2002. We make it clear that we have not gone into the merits of the matter. It is for the Special Court to take a call in the matter.



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9.This criminal original petition is disposed of accordingly.

(G.R.S. J.,) & (R.P. J.,)
29.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Assistant Director (PMLA),
Directorate Enforcement Government of India,
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- 2.The Deputy Director,
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- 3.The Inspector of Police,
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and
R.POORNIMA, J.**

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