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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-54391-2023 (O&M)
Date of Decision: 21.01.2025**

MAHAVIR KUMAR

.. Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. R.S. Bains, Sr Advocate with
Mr. H.C. Arora, Advocate for the petitioner.

Mr. Saurav Khurana, Addl. A.G., Punjab.

Mr. Ranjit Singh Kalra, Advocate
for respondent No.2.

Ms. Shubhleen Dhariwal, Advocate for
Mr. Lokesh Narang, Senior Penal Counsel
for respondent No.3.

Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Mukul Ahuja, Advocate
for respondent No.4.

...

SHEEL NAGU, CHIEF JUSTICE, (ORAL)

1. The prayer made in this petition by the petitioner who happens to be complainant, is to the following effect:

> "*It is, therefore, respectfully prayed that this Hon'ble Court may kindly be pleased to issue appropriate directions to the respondent No. 3, to investigate into the complaint Annexure P-28 dated 23.09.2022, submitted by the petitioner, for the purpose of prosecuting the respondent No. 4, under the provisions of "The Prevention of Money-Laundering Act, 2002" for having indulged into acquisition/purchase of atleast 25 immovable properties in the name of his son, mother-in-law, and other relatives, totally disproportionate to his known sources of income and having purchased those properties, with the funds obtained through corruption by misusing his office as Judicial Officer, in the interest of justice.*"

2. A perusal of the prayer clause indicates that the petitioner essentially wants an appropriate cognizable offence under the Prevention of Money Laundering Act, 2002 to be registered against respondent No.4 who happens to be the District & Sessions Judge, who is under suspension and facing disciplinary proceedings.

3. Learned senior counsel for the petitioner does not dispute about the law laid down by a co-ordinate Bench of this Court rendered on 05.12.2024, in **CWP-6005-2024 (*Bharat Bhushan and another Vs. Union of India and others*)** wherein this Court held as:

> "*4.5 With respect to investigation of offence of money laundering, ED is a premier agency, which specially has been nominated to investigate the offences involving money laundering. This agency can not be equated with other prosecuting agencies to try offence under the various other penal provisions. As per the provisions of the PMLA, as mentioned in Chapter VII of PMLA, the "Authority" mentioned in these provisions has been described under Section 48, which includes only the officers or the ED and other class of officers as may be appointed for the purposes of the Act. Thus, no where the complainant/informant or any private person has been authorized or empowered. Under Section 45(1A) of the PMLA, unless specifically authorized by the Central Government, no Police Officer is authorized to investigate an offence. Under Section 5 (1)(ab) the attachment of property involved in money laundering is permissible only if the twin conditions, namely, any person is in possession of any proceeds of crime and such proceeds of crime are likely to be concealed, transferred or dealt with in any manner, which may result in frustrating any proceeding relating to confiscation of such proceeds of crime is apprehended.*
>
> *4.6 In these circumstances, it is reasonable to conclude that ED has discretion to investigate or refuse to investigate. The Constitutional Court is not expected to interfere in that discretion unless any serious offence impacting the life of public at large or in the public interest is involved and the Court concludes that discretion has not been appropriately exercised. The ED cannot be equated with other investigating agency and the Court is not expected to direct ED to take up each and every case where offence of money laundering is suspected. The Constitutional Court is not expected to issue writs without analyzing its impact.*"

4. In view of above and in view of the bar contained in Section 17-A of the Prevention of Corruption Act, this Court deems it appropriate not to interfere in the merits of this case and disposes of this petition with liberty to the petitioner to file an appropriate application before the

Competent Administrative Authority for grant of approval for registration or otherwise under the Prevention of Corruption Act against respondent No.4.

5. The petition stands disposed of.

6. Pending applications, if any, shall also stand disposed off.

(SHEEL NAGU)
CHIEF JUSTICE

21.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned Yes No

Whether reportable Yes No