

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.5545 /2024
[@ SLP [CRL.] NO.15189/2024]**

**DIRECTOR,
ENFORCEMENT DIRECTORATE & ANR.**

Appellant(s)

VERSUS

VILELIE KHAMO

Respondent(s)

O R D E R

Leave granted.

The only issue for consideration is as to whether the High Court is justified in quashing the summons on the premise that the respondent has been discharged in the predicate offence. We also note that the said order was passed by taking into consideration the submissions made on behalf of the appellant wherein it was stated that the proceedings against the respondent may be closed.

We are limiting ourselves to the question of law. What has been issued to the respondent is merely a summons. Simply because he has been

discharged in the predicate offence, a Court cannot quash the summons. The questions as to whether the respondent would be arrayed as an accused or not, is a matter which has to be decided at a later stage. In that eventuality, it is well open to the respondent to raise all relevant contentions for the aforesaid purpose including the submissions that since the predicate offence has been quashed, the subsequent action of the appellant arraying him as an accused in the PMLA proceedings would not be sustained in the eyes of law.

Suffice it is to state that at this stage we are dealing with a summons that has been issued.

In such view of the matter, the impugned order stands set aside and the appellant is at liberty to proceed in pursuance to the summons that had been issued. However, we make it clear that all issues are left open to the respondent, in the event of him being arrayed as an accused.

Considering the facts and circumstances of the case, we direct that the respondent may not be arrested as he has been responding to the summons, subject to the condition that he shall continue to cooperate with the investigation.

The impugned order is set aside accordingly and the appeal stands allowed.

Pending applications, if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
DECEMBER 19, 2024.

ITEM NO.11

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 15189/2024

[Arising out of impugned final judgment and order dated 03-01-2024 in IA (CRL) No. 528/2022 in Writ Petition No.15 of 2022 passed by the Gauhati High Court]

DIRECTOR, ENFORCEMENT DIRECTORATE & ANR.

Petitioner(s)

VERSUS

VILELIE KHAMO

Respondent(s)

Date : 19-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Rajkumar Bhaskar Thakare, A.S.G.
Mr. Kanu Agarwal, Adv.
Mr. Chandra Prakash, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Bhawna Gandhi, Adv.

For Respondent(s) Mr. Siddhartha Borgohain, Adv.
Ms. Farhat Jahan Rehmani, AOR
Mr. Faizan Khan, Adv.
Mr. Monis Faridi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal stands allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(ASHA SUNDRIYAL)

ASTT. REGISTRAR-cum-PS

(POONAM VAID)

COURT MASTER (NSH)

[Signed order is placed on the file]