

CRM-M-25780-2025

DIRECTORATE OF ENFORCEMENT V/S ROOP KUMAR BANSAL AND OTHERS

Present : Mr. Zoheb Hussain, Special Counsel (through VC) and
Mr. Lokesh Narang, Senior Panel Counsel, GOI
for the petitioner.

Mr. Siddharth Bhardwaj, Advocate,
Mr. Manmeet Singh Nagpal, Advocate and
Mr. Gulshan Sachdev, Advocate
for respondent No.1.

Prayer in the instant petition is for setting aside the order dated 11.02.2025 passed by learned Special Judge (PMLA), Panchkula, in ECIR No.ECIR/GNZO/10/2021 dated 15.06.2021 in complaint case No.COMA-01/2022 dated 14.01.2022.

Learned Special Counsel for the petitioner-Directorate of Enforcement submits that the Special Judge, PMLA, Panchkula, has erroneously stayed proceedings in prosecution Complaint ECIR No.ECIR/GNZO/10/2021 dated 15.06.2021 vide impugned order 11.02.2025 solely on the ground that FIR No.14 dated 12.03.2024 registered by EOW, Delhi, being a scheduled offence, is still under investigation and no chargesheet has been filed therein. It is contended by the learned Special Counsel that the Trial Court acted beyond its jurisdiction under the Prevention of Money Laundering Act, 2002 (for short, 'PMLA') and the Cr.P.C. as neither statute provides for the power to stay criminal proceedings, nor is there any equivalent to Section 151 of the CPC to permit inherent powers or such relief. It has been asserted that the impugned order is, therefore, de hors the statutory scheme. It has still further been submitted that explanation (i) to Section 44 of

PMLA clearly authorises continuation of prosecution for money laundering irrespective of the status of the scheduled offence, and the trial court failed to consider its own earlier order dated 30.05.2024 annexed as Annexure P-2, which allowed incorporation of FIR No.14 of 2024 into the prosecution complaint under Section 311 of the Cr.P.C. as well as order dated 17.07.2024 annexed as Annexure P-7 vide which a similar prayer made by the respondent-accused for dropping proceedings qua him was dismissed. Having consistently recognised the FIR as part of the scheduled matrix, the subsequent stay order based solely on pendency of investigation is, therefore, irreconcilable. It has also been urged that out of 32 predicate FIRs, FIR No.14 dated 12.03.2024 registered by EOW, Delhi, remains under active investigation and has neither been quashed nor stayed thereby rendering the finding of the trial court that the investigation was still underway as patently erroneous and contrary to the judgement of the Hon'ble Supreme Court in ***Vijay Madanlal Choudhary Vs. Union of India : (2022) 10 SCC 60***, which mandates that the proceedings under the PMLA can be impacted only upon discharge, acquittal, or quashing of the scheduled offence—none of which have occurred qua the FIR in question. Learned Special Counsel has also placed reliance on a judgment of Division Bench of this Court in ***M/s IREO Pvt. Ltd. Vs. Union of India and others (CWP No.29265-2023 decided on 04.09.2024)***, where this Court upheld the information sent by the ED which led to the registration of FIR No.14, and clarified that ECIR and prosecution proceedings survive regardless of the procedural status of individual FIRs, with subsequent FIRs deemed incorporated via

explanation (ii) to Section 44 of the PMLA. It has been further argued that staying proceedings under the PMLA pending investigation of predicate offences frustrates the very object of the Act, which is intended for expeditious prosecution of financial crimes. It has also been pointed out that a similar prayer made earlier before the learned Special Judge had been declined on as many as two occasions.

Learned Special Counsel has also referred to the orders passed by the Hon'ble Supreme Court in *S. Martin Vs. Directorate of Enforcement, SLP (Crl.) No.4768/2024* dated 04.04.2025 and *Mahabir Prasad Rungta Vs. Directorate of Enforcement, SLP (Crl.) No.12353/2024*, dated 07.04.2025 wherein the Court permitted continuation of trials under PMLA alongside pending predicate offence proceedings, subject only to a bar on pronouncement of judgement, thus affirming that concurrent trial is both legal and appropriate.

Adjourned to 30.07.2025.

Meanwhile, operation of impugned order shall remain in abeyance till the next date of hearing.

27.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE