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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 28th October, 2026***

\# **CNR No. DLHC010422462026**

\+ W.P.(CRL) 2753/2026 & CRL.M.A. 27710/2026, CRL.M.A. 27711/2026

GODREJ PROPERTIES LTD. .....Petitioner

Through: Mr. N. Hariharan, Sr. Adv. and Mr. Siddharth Aggarwal, Sr. Adv., with Mr. Kapil Madan, Mr. Siddharth Yadav, Mr. Deepanshu Khanna, Mr. Utkarsh Tiwari, Mr. Harshvardhan Pandey, Ms. Kashish Ahuja, Mr. Amartya Kanjilal, Ms. Punya Rekha Angara, Mr. Aman Akhtar, Ms. Vasundhara Raj Tyagi, Mr. Arjan Singh Mandla and Mr. Ayush Singh, Advocates
Mob: 9625332281
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versus

DIRECTORATE OF ENFORCEMENT .....Respondent

Through: Mr. Rajat Nair, Mr. Sarthak Sehgal, Mr. Alok Dubey, Mr. Devashish Dixit, Mr. Priyanshu Yadav and Mr. Ashirwad Shukla, Advocates
Mob: 9580752119

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral)*:

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Signing Date:31.10.2026
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1. The present petition has been filed under Article 226 of the Constitution of India, 1950 ("Constitution") read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), for quashing of the Enforcement Case Information Report ("ECIR"), being *ECIR No. DLZO-II/9/2024,* registered by the Enforcement Directorate ("ED") under the Prevention of Money Laundering Act, 2002 ("PMLA"), and all consequential proceedings emanating therefrom.

2. Learned Senior Counsel appearing for the petitioner submits that the impugned ECIR was registered solely on the basis of the First Information Report ("FIR"), being *FIR No. 0064/2024* dated 29th May, 2024, under Sections 406/420/120-B of the Indian Penal Code, 1860 ("IPC"), registered at Police Station ("PS") Economic Offences Wing ("EOW"), Delhi, arising from a civil and commercial dispute between the petitioner and the complainant company, i.e., the M/s Orris Infrastructure Private Limited ("Orris").

3. He submits that the parties have fully and finally settled all their disputes and the Orris has already withdrawn all the allegations, statements, and claims against the petitioner company herein and its directors, officers, employees and representatives.

4. This court is informed that *vide* order dated 25th August, 2026, this Court has already quashed the FIR and all consequential proceedings arising therefrom.

5. The said order dated 25th August, 2026, reads as under:

> *"**CRL.M.A. 26353/2026 (by resp. 2- for early hearing)***
>
> *1. The instant application stands allowed.*
>
> *2. The matter is taken up for hearing today itself.*

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3. The application stands disposed of.

W.P.(CRL) 1874/2024

4. Mr. Saurabh Kripal, learned senior counsel for respondent no.2, on instructions of the Ms. Avneet Kaur, Authorized Representative of respondent no.2, submits that respondent no.2 does not want to pursue the complaint case, and the application under Section 156(3) of Code of Criminal Procedure, 1973 (Cr. PC) which was filed before the Court of competent jurisdiction. He contends that in view of the aforesaid fact, the order dated 28.05.2024 passed by the said Court directing the registration of the FIR would not survive, and, consequently, even the FIR in question i.e. FIR 0064/2024 dated 29.05.2024 under section 406, 420 and 120B of the Indian Penal Code 1860 will have to be set aside.

5. Since Mr. Kirpal on instructions has made the aforesaid submissions, which are not rightly objected by Mr. N. Hariharan, learned senior counsel for the petitioner. The sole grievance of the petitioner in the instant petition i.e. to set aside the FIR 0064/2024 dated 29.05.2024 and all consequent action thereto, stands satisfied.

6. Since the submission made by Mr. Kirpal would suffice the grievance raised by the petitioner, therefore, the impugned complaint case bearing no. 610/2024; the order dated 28.05.2024 passed by the competent Court and FIR 0064/2024 dated 29.05.2024 and all consequent actions emanating therefrom stand set aside.

7. With the aforesaid directions, the petition stands disposed of."

6. Thus, it is submitted that since the sole scheduled offence has ceased to exist and no proceeds of crime survive, continuation of the impugned ECIR and any action arising therefrom is without jurisdiction and the respondent has no jurisdiction to continue any inquiry, investigation or any action under the PMLA.

7. Learned counsel appearing for the respondent does not dispute the position that the FIR against the petitioner already stands quashed.

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8. Having heard learned counsel appearing for the parties, at the outset, this Court notes that the judgment of the Supreme Court in the case of ***Vijay Madanlal Choudhary and Others Versus Union of India and Others, 2022 SCC OnLine SC 929***, wherein, it has been held as follows:

> *"xxx xxx xxx*
>
> ***109.*** *Tersely put, it is only such property which is derived or obtained, directly or indirectly, as a result of criminal activity relating to a scheduled offence that can be regarded as proceeds of crime.* ***The authorities under the 2002 Act cannot resort to action against any person for money laundering on an assumption that the property recovered by them must be proceeds of crime and that a scheduled offence has been committed, unless the same is registered with the jurisdictional police or pending inquiry by way of complaint before the competent forum. For, the expression "derived or obtained" is indicative of criminal activity relating to a scheduled offence already accomplished. Similarly, in the event the person named in the criminal activity relating to a scheduled offence is finally absolved by a court of competent jurisdiction owing to an order of discharge, acquittal or because of quashing of the criminal case (scheduled offence) against him/her, there can be no action for money laundering against such a person or person claiming through him in relation to the property linked to the stated scheduled offence.*** *This interpretation alone can be countenanced on the basis of the provisions of the 2002 Act, in particular Section 2(1)(u) read with Section 3. Taking any other view would be rewriting of these provisions and disregarding the express language of the definition clause "proceeds of crime", as it obtains as of now.*
> *xxx xxx xxx"*
>
> *(Emphasis Supplied)*

9. This Court notes that the impugned ECIR was recorded solely on the basis of the FIR, i.e., *FIR No. 0064/2024* dated 29th May, 2024, registered at PS EOW, Delhi, under Sections 406/420/120B of the IPC, which arose pursuant to an order dated 28th May, 2023, by the Chief Metropolitan

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Magistrate ("CMM"), South-West, Dwarka Courts, Delhi, upon the complaint case bearing *CC 610/2024*, made by the Authorised Representative ("AR") of the Orris, i.e., the complainant company, under Section 156(3) of the Code of Criminal Procedure, 1860 ("CrPC").

10. It is pertinent to note that *vide* order dated 25th August, 2026, in *W.P.(CRL.) 1874/2024*, this Court, as aforesaid, has already quashed the predicate FIR and all consequent actions emanating proceedings therefrom.

11. In view of the aforesaid, it is manifest that the quashing of the predicate FIR has extinguished the sole foundation of the impugned ECIR, which cannot survive independently on the basis of allegations arising from the proceedings that no longer exist in law.

12. Thus, the impugned ECIR proceedings have lost their substratum, there being no subsisting schedule offence, nor any proceeds of crime.

13. Considering the facts and circumstances of the present case, this Court finds that there is no impediment in allowing the present petition.

14. Accordingly, *ECIR No. DLZO-II/9/2024* registered by the ED, and all consequential proceedings emanating therefrom, are hereby quashed.

15. Needless to state that in case the proceedings under *FIR No. 0064/2024* are revived by any party in future, the respondent shall be at liberty to revive the proceedings with respect to ECIR.

16. Accordingly, the present petition along with the pending applications is disposed of, in terms of the aforesaid.

MINI PUSHKARNA, J

OCTOBER 28, 2026
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