

*Esha*

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 153 OF 2026

1. **SALGAOCAR MINING INDUSTRIES PVT. LTD.,** a Company incorporated under the Companies Act, 1956, (Companies Act 2013) having its registered office at Salgaocar Bhavan, Altinho, Panaji-Goa, and represented herein by its Authorised Representative, Mr. Shivappa alias Shivanand Dyamappa Chawan, aged 56 years, Adult, Indian Inhabitant, having office at Salgaocar Bhavan, Altinho, Panaji, Goa - 403001.
2. **SALITHO ORES PVT. LTD.,** a Company incorporated under the Companies Act, 1956, (Companies Act 2013) having its registered office at Salgaocar Bhavan, Altinho, Panaji-Goa, and represented herein by its Authorised Representative, Mr. Shivappa alias Shivanand Dyamappa Chawan, aged 56 years, Adult, Indian Inhabitant, having office at Salgaocar Bhavan, Altinho, Panaji, Goa - 403001.
3. **MARZOOK & CADAR PVT. LTD.,** a Company incorporated under the Companies Act, 1956, (Companies Act 2013) having its registered office at Salgaocar Bhavan, Altinho, Panaji-Goa, and represented herein by its Authorised Representative, Mr. Shivappa alias Shivanand Dyamappa Chawan, aged 56 years, Adult, Indian Inhabitant, having office at Salgaocar Bhavan, Altinho, Panaji, Goa - 403001.

4. **SHANTILAL KHUSHALDAS AND BROTHERS PVT. LTD.**, a Company incorporated under the Companies Act, 1956, (Companies Act 2013) having its registered office at Salgaocar Bhavan, Altinho, Panaji-Goa, and represented herein by its Authorised Representative, Mr. Shivappa alias Shivanand Dyamappa Chawan, aged 56 years, Adult, Indian Inhabitant, having office at Salgaocar Bhavan, Altinho, Panaji, Goa - 403001.
5. **S. KANTILAL & COMPANY PVT. LTD.**, a Company incorporated under the Companies Act, 1956, (Companies Act 2013) having its registered office at Salgaocar Bhavan, Altinho, Panaji-Goa, and represented herein by its Authorised Representative, Mr. Shivappa alias Shivanand Dyamappa Chawan, aged 56 years, Adult, Indian Inhabitant, having office at Salgaocar Bhavan, Altinho, Panaji, Goa - 403001.
6. **M/S SOVA**, a Partnership Firm, having its registered office at Salgaocar Bhavan, Altinho, Panaji-Goa, and represented herein by its Authorised Representative, Mr. Shivappa alias Shivanand Dyamappa Chawan, aged 56 years, Adult, Indian Inhabitant, having office at Salgaocar Bhavan, Altinho, Panaji, Goa - 403001.
7. **M/S MINEIRA NACIONAL LIMITADA**, a Partnership Firm, having its registered office at Salgaocar Bhavan, Altinho, Panaji-Goa, and represented herein by its Authorised Representative, Mr. Shivappa alias Shivanand Dyamappa Chawan, aged 56 years, Adult, Indian Inhabitant, having office at Salgaocar Bhavan, Altinho, Panaji, Goa - 403001.

... PETITIONERS

~ VERSUS ~

1. **UNION OF INDIA**, Through the Secretary, Ministry of Finance, Government of India, North Block, New Delhi – 110 001.
2. **ASSISTANT DIRECTOR, DIRECTORATE OF ENFORCEMENT**, Panaji Zonal Office, 1st Floor, Jeevan Vishwas, LIC Building, EDC Complex, Patto, Goa-403 001.
3. **STATE OF GOA**, Through Special Investigation Team, Dona Paula, Goa.

... RESPONDENTS

WITH
CRIMINAL WRIT PETITION NO. 164 OF 2026

MRS. LAKSHMI ANIL SALGAOCAR, Administratrix of the Estate of Late Mr. Anil Vassudeva Salgaocar, Aged 77 years, Indian Citizen, temporarily at Salgaocar Bhavan, Altinho, Panaji, Goa.

... PETITIONER

~ VERSUS ~

1. **UNION OF INDIA**, Through the Secretary, Ministry of Finance, Government of India, North Block, New Delhi – 110 001.

2. **ASSISTANT DIRECTOR, DIRECTORATE OF ENFORCEMENT**, Panaji Zonal Office, 1st Floor, Jeevan Vishwas, LIC Building, EDC Complex, Patto, Goa-403 001.
3. **STATE OF GOA**, Through Special Investigation Team, Dona Paula, Goa.

... RESPONDENTS

APPEARANCES:

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|----------------------|---|
| for the Petitioners | <i>Mr. Yogesh V. Nadkarni with Mr. Rony John, Mr. Kunal Nadkarni, Ms. Carmita Mashelkar, Ms. Sonam Desai, Ms. Sanjana Desai, Ms. Simran Khadilkar and Mr. Nilay Naik</i> |
| for Respondent No. 1 | <i>Mr. Pravin Faldessai, Deputy Solicitor General of India</i> |
| for Respondent No. 2 | <i>Mr. Siddharth Samant, Retainer Advocate/ Special Public Prosecutor with Mr. Anshul Kumar Sarathe, Legal Consultant, Ms. D. Sangwan, Ms. Isha Surendra Khalap and Ms. Poonam Biramane</i> |
| for Respondent No. 3 | <i>Mr. Somnath Karpe, Additional Public Prosecutor with Mr. Anand Shirodkar</i> |
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CORAM : AMIT S. JAMSANDEKAR, J.

RESERVED ON : 4th SEPTEMBER 2026

PRONOUNCED ON : 12th OCTOBER 2026

JUDGMENT:

1. Heard Mr. Nadkarni, the learned Counsel on behalf of the Petitioners. By the present Petitions, the Petitioners have challenged ECIR No. PJZO/2/2014 recorded by the Directorate of Enforcement (2nd Respondent) on 9th June 2014. Pursuant thereto, numerous summonses were issued to the Petitioners over the years, including to the directors, shareholders and employees of the Petitioners. Criminal Writ Petition No. 153 of 2026 was filed on 24th February 2026 whereas Criminal Writ Petition No. 164 of 2026 was filed on 17th February 2026. The 2nd Respondent (ED) filed its reply and stated that FIR No. 15/2013 is still subsisting. Therefore, it was submitted that the Petitions are not maintainable.
2. The facts and circumstances of both the Petitions being common, by consent, both the Petitions were heard together.
3. **Rule.** Rule made returnable forthwith, with consent of parties and heard finally. Notice waived by the respective Counsel for the Respondents.
4. The Petitioner Nos. 1 to 4 in Criminal Writ Petition No. 153 of 2026 are Companies incorporated and registered under the provisions of the Companies Act, 1956 and have their respective registered offices at the address mentioned in the cause title. Respondent Nos. 6 and 7 are the Partnership Firms and have

their respective offices at the address mentioned in the cause title. The Petitioners were carrying on mining business from the time of grant till the mining activities were stopped in the State of Goa.

5. One Mr. Anil Vassudeva Salgaocar (AVS) was the shareholder/director of the Petitioners in Writ Petition No. 153 of 2026. The Petitioner, Mrs. Lakshmi Anil Salgaocar in Criminal Writ Petition No. 164 of 2026 is the widow of AVS and also, the Administratrix of the Estate of AVS. Following AVS's demise, the Petitioner, Mrs. Lakshmi Anil Salgaocar was appointed as *Cabeça de Casal*/Head of Family by order dated 20.10.2016 of the Civil Judge Senior Division, Panaji, Goa. Thereafter, on 08.08.2017, she was appointed as the Administratrix of the Estate of AVS in Singapore.

6. In view of the stand taken by the 2nd Respondent (ED) in its affidavit, the Petitioners challenged FIR No. 15/2013, registered by the CID, Crime Branch on 12.08.2013, and sought its quashing. The challenge of the Petitioners to the FIR was heard by this Court on 16th July 2026, and the Court was pleased to allow the Petitioners' prayer in terms of prayer Clause (A), which read as follows:

“A. That this Hon'ble Court, in exercise of powers conferred under Section 528 of the Bharatiya Nagarik

*Suraksha Sanita, 2023, be pleased to quash the FIR No. 15 of 2013 registered with **Crime Branch Police Station, Goa qua the Applicants or/their directors, partners, shareholders or employees;***”.

(emphasis supplied)

7. In view of the order dated 16.07.2026, the directions contained therein shall also apply to the Petitioner in Criminal Writ Petition No. 164 of 2026.
8. After this Court quashed FIR No. 15/2013 on 16.07.2026, the Petitioners moved these Petitions. The 2nd Respondent sought time to file an additional affidavit, which was granted. Accordingly, the 2nd Respondent filed an additional affidavit on 06.08.2026 opposing the relief in the present Petitions.
9. Mr. Nadkarni submitted that in view of the fact that the FIR No. 15/2013 has already been quashed by this Court, the ECIR No. PJZO/2/2014 and all proceedings arising therefrom are unsustainable and without jurisdiction. Mr. Nadkarni further submitted that initially, the present Petitions were opposed by the 2nd Respondent only on the ground that an FIR was registered by the Crime Branch Police Station, CID, Goa Police, which is subsisting. Accordingly, the 2nd Respondent stated that, since no competent Court has quashed or set aside the FIR, the scheduled offence continues to exist in law. Mr. Nadkarni invited

my attention to the statement made by the 2nd Respondent in the affidavit in reply dated 20th March 2026, including the statement in paragraph B.2 that, *‘PMLA action fails only when the scheduled offence itself ceases to exist in law or the criminal activity giving rise to alleged proceeds of crime is judicially extinguished.’*

10. Mr. Nadkarni submitted that, in the further affidavit dated 06.08.2026 filed by the 2nd Respondent after the order dated 16th July 2026, by which the FIR was quashed by this Court, there is nothing that changes the settled legal principle that the ECIR filed pursuant to the FIR cannot survive when the FIR itself has been quashed.

11. In support of these submissions, Mr. Nadkarni relied upon the following judgments:-

- i) *Vijay Madanlal Choudhry Vs. Union of India*, **(2023) 12 SCC 1**; ii) *Pavanna Dibbur Vs. Directorate of Enforcement*, **(2023) 15 SCC 91**;
- iii) *Naresh Goyal Vs. Directorate of Enforcement*, **2023 SCC OnLine Bom 2121**; iv) *Krishna Shantaram Chamankar Vs. Union of India*, **2025 SCC OnLine Bom 3192**; v) *South Indian Bank Ltd. Vs. Directorate of Enforcement*, **2024 SCC OnLine Ker 3936**.

12. Mr. Karpe, the learned Additional Public Prosecutor, made submissions on the basis of the reply filed by the State. The reply filed by the Crime Branch has narrated the sequence of events that took place while filing FIR No.15/2013 and the fact that the Hon'ble Supreme Court has set aside the order dated 22.03.2013 of the Division Bench of this Court. The relevant portion of the reply filed on behalf of the 3rd Respondent reads as follows:-

8) It is further submitted that on going through records of SIT (Mining), Donapaula an opinion was sought from the office of Directorate of Prosecution, Panaji Goa requesting an appeal to be prefer against the above mentioned order dated 10.02.2025 passed by Hon'ble Special Judge North Goa, however reply received from Directorate of Prosecution, office that the case is not fit to challenge the order.

9) It is further submitted that on going through records SIT (Mining) Donapaula and by virtue of preceding SIT (mining) was received a letter vide No.PHQ/LEG-CELL/F.SC-13/2023/299/2023 dated 12.08.2023 from Office of the Superintendent of Police, Legal & Vigilance Cell, Panaji – Goa, along with letter No.2/2/2023-HD(G)/2032 dated 26.07.2023 from Under Secretary (Home -I) Department of Home (General), Secretariat, Porvorim Goa enclosing order dated 17.01.2023 of the Hon'ble Supreme Court of India in Criminal Appeal No.146 of 2023, Arising out of SPL (CRL.) No.4033 of 2013, Dr. Prafulla R. Hede, Appelant(s) Versus Kasinath Jairam Shetye & Ors, Respondent(s) with Criminal Appeal

No. 152 of 2023, Arising out of SPL (CRL.) No.5733 of 2013, Criminal Appeal No.153 of 2023, Arising out of SPL (CRL.) No.910 of 2023, Criminal Appeal No.154 of 2023, Arising out of SPL (CRL.) No.911 of 2023, Criminal Appeal No.155 of 2023, Arising out of SPL (CRL.) No.912 of 2023, Criminal Appeal No.156 of 2023, Arising out of SPL (CRL.) No.913 of 2023, Criminal Appeal No. 151 of 2023, Arising out of SPL (CRL.) No.5734 of 2013. The Hon'ble Supreme Court of India vide order dated 17.01.2023 was pleased to dispose off the said appeal inter alia with following observations herein below :-

"These appeals challenges the order passed by the Division Bench of the Bombay High Court, thereby issuing a omnibus direction to register an FIR in respect of offences alleged to have been committed by the persons responsible for illegal mining in the State of Goa, including the leases of the mines and all those who permitted such illegal mining of ore and manganese ore in contravention of various statutory provisions.

Indisputably, all these directions were issued by the Division Bench of the High Court on the basis of report of Justice Shah Commission. Subsequently, the Bench of learned three Judges of this Court had an occasion to consider the issues with regard to mining in the State of Goa in the case of Goa Foundation Vs. Union of India & Ors. reported in 2014(6) SCC 590.

In the said judgment, this Court has specifically observed in paragraph 14 that Section 8-B of the Commissions of Inquiry Act, 1952, 3 requires that if a person is likely to be prejudicially affected by the inquiry, the Commission is required give to that person a reasonable opportunity of being heard and to produce evidence in his defence.

It has further being considered that Section 8-C of the Commissions of Inquiry Act, 1952, provides that every such person will have a right to cross-examine and the right to be represented by legal practitioner before the Commission. It is further to be noted that the State of Goa had taken a specific stand before the Court that no action would be taken against the mining leases only on the basis of finding of the Report of Justice Shah Commission, in as much as the finding of Justice Shah Commission were recorded without giving opportunity of hearing and producing the evidence to the persons concerned.

In view of the aforesaid, we find that such an omnibus direction against number of persons without giving them an opportunity of being heard would not be sustainable. The impugned direction passed by the Division Bench is quashed and set aside. The appeals are allowed in the above terms. Pending applications, if any, stand disposed of"

10) In view of above fact and circumstances, deem fit order may please be passed".

(emphasis supplied)

13. Consequently, the State submitted that the present Petitions may be disposed of by passing an appropriate order. There is nothing on record to show that there was any investigation carried on by the SIT after registration of the FIR.

14. Mr. Samant, the learned Counsel for the 2nd Respondent, submitted that the 2nd Respondent has made out a case in the additional affidavit dated 06.08.2026. He disputed that the 3rd Respondent has jurisdiction to continue its proceedings. He submitted that the 3rd Respondent's jurisdiction continues to

subsist, irrespective of the FIR being quashed. Mr. Samant submitted that, apart from the Petitioners, there are many other people and entities which are covered by ECIR No. PJZO/2/2014 and therefore, no relief should be granted to the Petitioners. He further submitted that the 3rd Respondent can continue the investigation and take further steps within its own jurisdiction. Mr. Samant in support of his submissions, relied upon the following judgments:-

i) *Niket Kansal Vs. Union of India, through Enforcement Directorate, 2025 SCC OnLine J&K 475*; ii) *Vijayraj Surana Vs. Assistant Director, Enforcement Directorate, 2024 SCC OnLine Mad 8404*; iii) *Pawan Insa Vs. Directorate of Enforcement, Government of India, 2024 SCC OnLine P&H 5461*.

15. I have heard the rival submissions made on behalf of the Petitioners and the Respondents. I have perused the record. I have also perused the order dated 16th July 2026, by which this Court has quashed FIR No. 15/2013.

16. In the order dated 16th July 2026, the Court narrated the facts and sequence of events that led to the filing of FIR No. 15/2013 and ECIR No. PJZO/2/2014, some of which are as follows:

- i. On 23.05.1987, the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases)

Act, 1987 ("Abolition Act") was enacted. Section 4 of the Abolition Act abolished the perpetual mining concessions granted by the Portuguese Government and declared that with effect from 20.12.1961, every mining concession would be deemed to be a mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957 ("MMDR Act"), and the validity of such deemed leases was extended up to 22.11.1987.

- ii. Under Section 5 of the Abolition Act, a deemed lease holder could apply to renew the lease in accordance with the MMDR Act. Section 8 (2) of the MMDR Act provides that a mining lease can be renewed for a maximum period of twenty (20) years.
- iii. Rule 24A (8) of the Mineral Concession Rules, 1960 ("MC Rules") (inserted on 14.10.1987) provides that a deemed lease holder under the Abolition Act may apply for renewal of the deemed lease before the expiry of the deemed lease, or before such extended time as the State Government may notify. Rule 24A (9) of the MC Rules provides that the period of a deemed mining lease shall be deemed extended till the time the State Government passes orders on a renewal application. The Government of Goa extended the time for making applications for renewal up to 22.11.1988.

- iv. Therefore, the Petitioners filed their renewal applications within the stipulated period. However, the applications were pending with the Government of Goa; therefore, the Petitioners contended that the mining leases were deemed extended until the Government of Goa decided the renewal applications.
- v. Meanwhile, the Government of India, *vide* Notification No. S.O. 2817(E) dated 22.10.2010, set up Justice M. B. Shah Commission (Justice Shah Commission), to inquire into the illegal mining of iron ore and manganese. The steps to set up the Shah Commission were taken by the Government in view of the allegations of contravention of the provisions of the MMDR Act, the Forest Act, 1980, the Environment Protection Act, 1986 and other rules, regulations and guidelines issued under the respective legislation.
- vi. Consequently, the Justice Shah Commission submitted its report to the Government of India on 07.09.2012. After the submission of the Report, the Division Bench of this Court, while hearing Criminal Writ Petition No.107/ 2012, on 22.03.2013, directed Respondent No.1 i.e. the State of Goa, to register FIR against the persons responsible for illegal mining identified in the Justice Shah Commission Report.
- vii. In the meanwhile, the SLP filed challenging the order dated 22nd March 2013 passed by the Division Bench of this Court

in Criminal Writ Petition No. 107 of 2012 was heard by the Hon'ble Supreme Court on 30th April 2013, and leave was granted, and the order passed by the Division Bench of this Court was stayed.

- viii.** Importantly, the Union of India also challenged the order passed by the Division Bench of this Court on 22nd March 2013, in Criminal Writ Petition No. 107 of 2013.
- ix.** On 12.08.2013, FIR No.15/2013 was registered by Respondent No.1 – State of Goa against the public officials and persons identified in the Shah Commission Report. The FIR came to be registered under the provisions of Section 120-B, 119, 166, 277, 278, 290, 379, 409, 418, 420, 430, 465, 468, 471 of the Indian Penal Code, 1860; Section 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988; Section 4, 9, 9-A, 19 r/w 21 of the Mines and Minerals (Development & Regulation) Act, 1957; Rule 22, 22-A, 24, 24-A, 27, 37, 44, 45 r/w Rule 52 (2), 57, 64-A, 64-B, 64-C, 64-D of the Mineral Concession Rules, 1960; Rule 9, 10, 11, 12, 13, 14, 15, 16, 31, 33, 37, 38, 39, 41 & 45 r/w Rule 58 of the Mineral Conservation & Development Rules, 1988 and Rule 3 r/w 7 of the Goa (Prevention of Illegal Mining, Transportation and Storage of Minerals) Rules, 2004. It is a matter of fact that the Petitioners and their associated individuals are not named as accused in FIR No. 15/2013 registered on 12.08.2013.

- x. Thereafter, pursuant to the FIR, the State of Goa constituted a Special Investigation Team (SIT) to investigate the matter. Pursuant thereto, the SIT carried out a search and seizure operation at the registered offices of the Petitioners on 17.06.2017.
- xi. In February 2018, the SIT filed the chargesheet against 17 persons, registered as Special Criminal Case (SPCC) No.02/2018. It is pertinent to note that neither the Petitioners nor any of the Directors were named in the chargesheet filed by the SIT in the year 2018. The Special Judge, North Goa, Panaji, by the order dated 10.02.2025, decided whether charges are to be framed against the Accused persons named in the chargesheet. After detailed analysis of the facts and circumstances and on the basis of the record, the learned Special Judge was pleased to discharge the Accused persons named in the chargesheet. Admittedly, the State has not challenged the order passed by the Special Judge on 10.02.2025.
- xii. On the basis of FIR No.15/2013 dated 12.08.2013, the Directorate of Enforcement registered ECIR No. PJZO/2/2014 to conduct its investigation under the Prevention of Money Laundering Act, 2002 (PMLA 2002). The sole basis of the Enforcement Director's investigation under the ECIR was the existence of the 2013 FIR.

xiii. Meanwhile, the Hon'ble Supreme Court finally heard the pending appeals and SLPs on 17th January 2023. The bunch of Appeals and SLPs included the SLP filed by the Union of India (SLP (CRL) No.784 of 2014) challenging the order passed by the Division Bench of this Court. The Hon'ble Supreme Court was pleased to allow the Appeals and quashed and set aside the order dated 22.03.2013 passed by the Division Bench of this Court in Criminal Writ Petition No.107 of 2013.

17. After considering all the facts and circumstances and the affidavit of the State, this Court has quashed FIR No. 15/2013. The FIR came to be quashed *inter alia* on the grounds that the Petitioners are not arrayed as accused in the FIR. The prosecution has not investigated the matter since 2013 and the prosecution has not filed the chargesheet in the matters, therefore, there is gross delay and, importantly, the accused named in the FIR have already been discharged vide order dated 10.02.2025 passed by the learned Special Judge, North Goa in Special Case No. 02/2018, which the State has not challenged.

18. I have considered the submissions made by Mr. Nadkarni, Mr. Samant and Mr. Karpe and perused the record.

19. Admittedly, this Court quashed FIR No.15/2013 by order dated 16.07.2026 passed in Criminal Miscellaneous Application (Main) No.8 of 2026.

20. It is a settled position of law that the Authorities under the Prevention of Money Laundering Act, 2002, cannot prosecute any person on a notional basis, unless an offence is registered against them and where such person/persons is/are finally acquitted or a criminal case against him is quashed by the Court of competent jurisdiction, then there can be no offence of money laundering against him. The Hon'ble Supreme Court in ***Vijay Madanlal Choudhary Vs. Union of India***, (2023) 12 SCC 1 has held that:-

“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 definition clause “proceeds of crime”, as it obtains as of now.”

Further, in paragraph 382.8 the Supreme Court has held that:-

“382.8. The offence under Section 3 of the 2002 Act is dependent on illegal gain of property as a result of criminal activity relating to a scheduled offence. It is concerning the process or activity connected with such property, which constitutes the offence of money-laundering. The Authorities under the 2002 Act cannot prosecute any person on notional basis or on the assumption that a scheduled offence has been committed, unless it jurisdictional is so police registered and/or with the pending enquiry/ trial including by way of criminal complaint before the competent forum. If the person is finally discharged/ acquitted of the scheduled offence or the criminal case against him is quashed by the Court of competent jurisdiction, there can be no offence of money laundering against him or any one claiming such property being the property linked to stated scheduled offence through him.

(emphasis supplied)

21. In ***Pavana Dibbur Vs. Directorate of Enforcement***, (2023) 15 SCC 91, the

Hon’ble Supreme Court has followed the judgment in ***Vijay Madanlal***

Chaudhary (supra) and has held that the condition precedent for the existence of proceeds of crime is the existence of a scheduled offence. The principle of law has been reiterated by the Supreme Court in ***Yash Tuteja & Anr. Vs. Union of India & Ors.***, (2024) 8 SCC 465.

22. Thus, in the absence of a subsisting predicate offence, an ECIR becomes legally incomprehensible, and the Enforcement Directorate cannot exercise its jurisdiction. The reason is the PMLA scheme, which gives the Enforcement Directorate authority and jurisdiction only when a predicate offence subsists. Once the predicate offence ceases to exist by reasons of discharge, acquittal or acceptance of a closure report or due to the quashing of the FIR, the Enforcement Directorate cannot proceed further.

23. In view thereof, I accept the submissions made by Mr. Nadkarni that, in view of the fact that FIR No.15/2013 has been quashed by this Court by its order dated 16.07.2026 passed in Criminal Miscellaneous Application (Main) No.8 of 2026, no scheduled offence exists against the Petitioners and therefore, ECIR No. PJZO/2/2014 ought to be quashed and set aside qua the Petitioners on the basis of law laid down by the Hon'ble Supreme Court.

24. I reject the submissions made by Mr. Samant that, apart from the Petitioners, there are many other people and entities which are covered by ECIR No.

PJZO/2/2014 and therefore, no relief should be granted to the Petitioners.

This is an untenable submission made on behalf of the 2nd Respondent because the Petitioners are seeking the quashing of ECIR No. PJZO/2/2014 only *qua* the Petitioners. In view of the judgments of the Hon'ble Supreme Court on the issue, the judgments cited by Mr. Samant are not binding on this Court.

25. Consequently, Writ Petition No. 153 of 2026 is allowed in terms of prayer clause (a) of the Petition, which reads as follows:

a) That, this Hon'ble Court be pleased to issue an appropriate Writ, Order or Direction in the nature of Certiorari under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or any other Writ, Order or Direction calling for the records and proceedings pertaining to the ECIR No. PJZO/2/2014 and be pleased to quash and set aside the said ECIR No. PJZO/2/2014 insofar as it relates to the Petitioners, their directors, partners, employees and shareholders;

26. Criminal Writ Petition No. 164 of 2026 is also allowed in terms of prayer clause (a) of the Petition, which reads as follows:

a) That, this Hon'ble Court be pleased to issue an appropriate Writ, Order or Direction in the nature of Certiorari under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or any other Writ, Order or Direction

*calling for the records and proceedings pertaining to the ECIR No.
PJZO/2/2014 and be pleased to quash and set aside the said ECIR
No. PJZO/2/2014;*

27.The **Rule is made absolute** in the above terms and both the **Petitions stand disposed of.**

28.However, there shall be no order as to costs.

29.This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]