



THIS PETITION COMING ON FOR ADMISSION, THIS DAY,  
THE COURT MADE THE FOLLOWING:

**ORDER**

The petitioner is before this Court with a prayer to quash the complaint dated 07<sup>th</sup> March, 2022 filed by the respondent in ECIR No.BGZO/33/2020 and consequently the entire proceedings in Special Case No.781 of 2022 pending before the Principal City Civil and Sessions Judge (Special Court for PMLA cases), Bengaluru.

2. The local police had registered four F.I.Rs against the accused which had resulted in initiating proceedings under the Prevention of Money Laundering Act, 2002 (for short, hereinafter referred to as 'PML Act') against the accused in the present case, wherein the petitioner is arraigned as accused No.1.

3. Heard Smt. Ashima Mandla, learned counsel appearing for the petitioner and Sri. Madhukar Deshpande, learned counsel appearing for the respondent.

4. Learned counsel appearing for the petitioner submits that the Hon'ble Supreme Court in the case of **PAVANA DIBBUR vs. THE DIRECTORATE OF ENFORCEMENT**



reported in *2023 SCC Online SC 1586* has held that the offence under Section 120-B of Indian Penal Code will become a scheduled offence only if the criminal conspiracy alleged is of committing an offence which is specifically included in the Schedule. In the instant case, the offences other than Section 120-B of Indian Penal Code are not included in the schedule of the PML Act and therefore, the proceedings under the PML Act cannot be continued.

5. Learned counsel appearing for the respondent does not seriously dispute the said submission of the learned counsel appearing for the petitioner. However, he submits that the Review Petition is filed before the Hon'ble Supreme Court, seeking review of the judgment passed in the case of **PAVANA DIBBUR** (supra) and accordingly, he submits that the petition may be disposed of, reserving liberty to the respondent to revive the petition depending upon the result of the Review Petition filed before the Hon'ble Supreme Court.

6. Perusal of the material on record would go to show that, in the present case except the offence under Section 120-B of Indian Penal Code, the other alleged offences are not



scheduled offences under the PML Act. Therefore, in view of the judgment rendered by Hon'ble Supreme Court in the case of **PAVANA DIBBUR** (supra), the impugned proceedings cannot be sustained. Accordingly, I pass the following:

**ORDER**

- 1) Criminal Petition allowed;
- 2) The entire proceedings in Special Case No.781 of 2022 pending before the Principal City Civil and Sessions Judge (Special Court for PMLA cases), Bengaluru arising out of complaint dated 07<sup>th</sup> March, 2022 in ECIR No. BGZO/33/2020 filed by the respondent is quashed, reserving liberty to the respondent to file necessary application, seeking revival of the petition in the event, if the Review Petition filed by the respondent before the Hon'ble Supreme Court is allowed.

**SD/-  
JUDGE**

ARK