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

+ CRL.REV.P. 542/2025

THE ASSISTANT DIRECTOR OF ENFORCEMENT,

DIRECTORATE OF ENFORCEMENT

.....Petitioner

Through: Mr. Tushar Mehta, Learned Solicitor General with Mr. Zoheb Hossain, Special Counsel, Mr. Vivek Gurnani, Panel Counsel with Mr. Annam Venkatesh, Mr. Pranjal Tripathi, Mr. Kartik Sabharwal, Advocates with Mr. Gaurav Saini, ALA/SPP, Mr. Naveen Rana, DD, ED, Mr. Shiv, A.D/ED.

versus

SMT. SONIA GANDHI @ EDVIGE ALBINA ANTONIA MAINO
AND ANR.Respondents

Through: Mr. Abhishek Manu Singhvi, Senior Advocate with Ms. Tarannum Cheema, Mr. Kanishkaa Singh, Mr. Amit Bhandari, Mr. Akshay N., Mr. Akash Singh, Advocates for R-1.
Mr. R.S. Cheema, Senior Advocate with Ms. Tarannum Cheema, Mr. Kanishka Singh, Mr. Akshay N., Mr. Akash Singh, Mr. Sumit, Mr. Nikhil Bhalla, Advocates for R-2.
Mr. Sushil Bajaj, Mr. Mohammad Shahrukh, Ms. Alka Chojar, Mr. Akshay Nagaranjan, Ms. Aashish Chojar, Mr. Javed Iqbal, Advocates for R-3.
Mr. Kuber Boodh, Mr. Akash Singh, Advocates for R-4.



Mr. Madhav Khurana, Senior Advocate with Mr. Nakul Gandhi, Mr. Akash Singh, Mr. Mujeeb, Mr. Mridul Crystelle Singh, Ms. Siddhi Sahoo, Ms. Asees Kaur, Mr. Deeparghya Datta, Advocates for R-5.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
% **22.12.2025**
CRL.M.A. 38369/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.REV.P. 542/2025 & CRL.M.A. 38368/2025 (interim stay)

1. This is a revision petition, challenging the order dated 16.12.2025, passed by the learned Special Judge in Case No. 14/2025, in the case of “*Enforcement Directorate Vs. Smt. Sonia Gandhi & Anr.*”, whereby, the learned Special Judge declined to take cognizance of offence of money laundering and dismissed the prosecution complaint filed by Enforcement Directorate [“ED”].
2. Mr. Tushar Mehta, learned Solicitor General, who appears for the petitioner, submits that the sole ground for declining to take cognizance is that the prosecution complaint filed under Prevention of Money Laundering Act [“PMLA”] cannot be based on a scheduled offence emanating from a private complaint filed by private individual and such scheduled offence must be registered only at the instance of the investigating agency either by way of an FIR by the police or a complaint by a person authorized to



investigate the scheduled offence.

3. It is submitted that the cognizance taken by the competent court on a private complaint stands on a much higher footing than the FIR registered by the police wherein there is a possibility that cognizance would be declined. It is stated that the cognizance of the private complaint constituting the scheduled offence had already been taken by the competent court and upheld upto the Hon'ble Supreme Court.

4. It is further submitted that Cr. PC provides two distinct modes, the first being the procedure envisaged under Chapter XII wherein the information of a cognizable offence is given to police officer which leads to investigation by the police and filing of a final report under Section 173 and the second mode pertains to complaints to Magistrates by way of private complaint under Section 200 Cr. PC. He further submits that in the case of ***A.R. Antulay Vs. Ramdas Srinivas Naik 1984 2 SCC 500***, it has been settled that any person can set the criminal law into motion.

5. It is thus argued that the cognizance having been taken of the scheduled offence by the competent court, the learned Special Judge could not have held that the ED under the PMLA cannot take note of scheduled offence based on a private complaint by private individual.

6. Mr. Singhvi, Mr. Cheema, Mr. Khurana and Mr. Bajaj, learned Senior Counsels as also the other learned counsels, who appeared for the respective respondents while contesting the submissions of the learned SG, state that they are ready to accept notice on behalf of the respondents and seek time to place their respective replies on record.

7. Having considered the submissions made, the Court finds that the matter requires consideration.



8. Issue notices to the respondents.
9. Notice(s) accepted by the learned counsels for the respondents.
10. Replies be filed on or before the next date.
11. List on 12.03.2026.

RAVINDER DUDEJA, J

DECEMBER 22, 2025/VD

22.12.2025

1. At this stage, the learned Solicitor General and Mr. Hossain, learned Special Counsel for the ED have made request for change of date. Ms. Tarannum Cheema, Advocate for respondents No. 1 & 2 is also present through VC. Mr. Hossain states that he has already requested the learned counsels who appeared in the morning on behalf of the remaining respondents and they have no objection for the change of date.
2. In view of the request made, the date is changed to 19.02.2026. Mr. Hossain has assured that he would inform all concerned about the change of date.
3. Reply be filed on or before the next date with advance copy to the petitioner at least one week before the next date.

RAVINDER DUDEJA, J.

DECEMBER 22, 2025

RM