



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-4236-2025

Date of decision : 17.02.2025

Bhupinder Kaur

.....Petitioner

Versus

Government of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE H.S. GREWAL

Present: Pt. Hari Om Sharma, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Akash Vashisth, Central Govt. Counsel.

SHEEL NAGU, CHIEF JUSTICE

1. In sum and substance, the prayer made in this petition is that respondents No.10 and 11, despite being foreign citizens, have purchased certain properties in Nihal Singh Wala, District Moga (Punjab) in contravention of the provisions of the Foreign Exchange Regulation Act, 1973. It is complained that despite the aforesaid breach of the provisions of the Act of 1973 having taken place, the Enforcement Directorate has not taken any action against the private respondents.

2. This Court in the case of **Bharat Bhushan and another Vs. Union of India and others** (Civil Writ Petition No. 6005 of 2004, decided on 05.12.2024) has already held that a writ cannot be issued compelling the Enforcement Directorate to register an ESIR or an FIR in a predicate offence.



The relevant portion of the said decision is re-produced below for ready reference and convenience :-

“4.6 In these circumstances, it is reasonable to conclude that ED has discretion to investigate or refuse to investigate. The Constitutional Court is not expected to interfere in that discretion unless any serious offence impacting the life of public at large or in the public interest is involved and the Court concludes that discretion has not been appropriately exercised. The ED cannot be equated with other investigating agency and the Court is not expected to direct ED to take up each and every case where offence of money laundering is suspected. The Constitutional Court is not expected to issue writs without analyzing its impact.”

3. In view of the above, no case for interference is made out and the petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(H.S. GREWAL)
JUDGE

February 17, 2025
narotam

| | |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable | Yes/No |