

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.4.2015
Date of verdict : 02.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11309 of 2015
& M.P.No.1 of 2015

1. R.Thagarasu
2. S.Selvaraj

..Petitioners

Vs.

1. State of Tamil Nadu
Rep.by Sub Inspector of Police
Vellodu P.S.
Erode District,
Tamil Nadu
2. The Sub Registrar
Office of the Sub Registrar
Aval Poonthurai
Erode District

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.56/3026 on the file of Sub Inspector of Police, Vellodu P.S., Erode and quash the proceedings therein.

For Petitioners :Mr.S.R.Balasubramanim
For Respondents :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioners are seeking to quash the FIR in Crime No.56/2015 registered by the first respondent police for the offences under sections 465, 468, 471 and 420 IPC and Section 82 of the Registration Act, 1908 on the complaint given by the Sub Registrar, Aval Poonthurai.

3. It is the case of the prosecution that the first petitioner herein had registered a false Document No.1966/1988 in favour of the second petitioner in respect of Grama Natham Land, which does not belongs to him. An enquiry has been conducted by the District Registrar on a complaint given by one Karupayee and during the course of enquiry, it came to light that the land was classified as Government Poromboke, which has been dealt with by

the petitioners herein. After obtaining the necessary sanction from the competent authority, the Sub Registrar lodged a complaint against the petitioners based on which, a case has been registered as stated above.

4. The learned counsel for the petitioners submitted that the issue was already dealt with by the Civil Court and a decree has been passed in favour of the petitioners in O.S.No.408/2010 on a suit filed by Karupayee challenging the validity of the Document No.1966/1988 and therefore the FIR is an abuse of process of court. The learned counsel also submitted that Karupayee's husband Palanisamy had initiated Insolvency Petition in I.P.No.106/2006, in which these petitioners were shown as creditors. The learned counsel also pressed into service Section 82 of the Registration Act and submitted that it relates to impersonators and not bonafide purchasers.

5. This Court is unable to agree with the submission, since Section 82 deals with false statements made in documents for the purpose of registration and also speaks about impersonation. Impersonation is also an offence under the Indian Penal Code. The finding in the Civil Court cannot have a bearing on the police investigation. If during the course of police investigation, it comes to light that the petitioners had impersonated someone else while registering the document, the Civil Court decree will not come to their rescue. Investigation by the police has to take its own course in order to find out the truth and that cannot be scuttled on the basis of civil court's findings.

6. The Hon'ble Supreme Court in State of Haryana vs. Bajanlal and others reported in 1992 Supp (1) SCC 335 has laid down the parameters for quashing the FIR. In the opinion of this Court, the facts of this case do not fall within the parameters laid therein.

7. In the result, this Criminal Original Petition is devoid of merits and is dismissed. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar
//True Copy//

Sub Assistant Registrar

ajr

To

1. The Sub Inspector of Police
Vellodu P.S.
Erode District,
Tamil Nadu

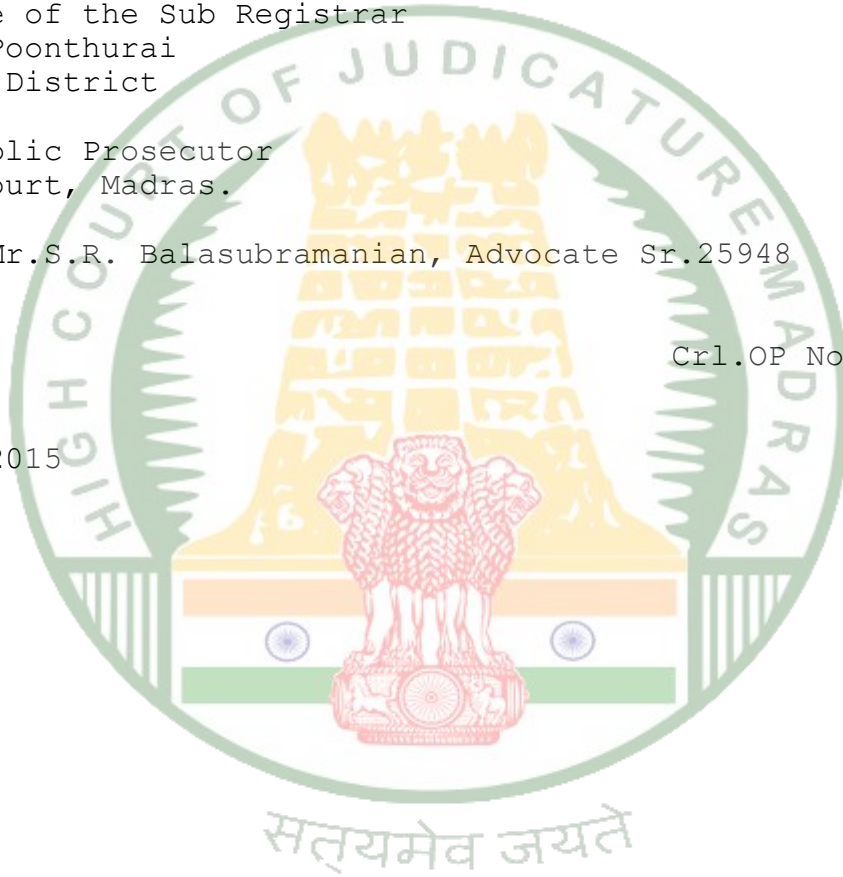
2. The Sub Registrar
Office of the Sub Registrar
Aval Poonthurai
Erode District

3. The Public Prosecutor
High Court, Madras.

1 cc to Mr.S.R. Balasubramanian, Advocate Sr.25948

Cr1.OP No.11309 of 2015

JP(CO)
Eu 08.06.2015



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