



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2015

CORAM:

THE HONOURABLE Mr.JUSTICE **S.VAIDYANATHAN**

CRL.O.P. (MD) .No.21069 of 2015

Lalitha Bhavani : Petitioner/1st Accused

Vs.

1.The Inspector of Police,
Fort Police Station (Crime) Branch,
Tiruchirappalli. :1st Respondent/Complainant

2.I.M.Lal alias Indarchand Lal : 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records and to quash the First Information Report in Crime No. 214 of 2015 registered by the Inspector of Police, Fort Police Station (Crime) Branch, Tiruehcirappalli as far as this petitioner is concerned.

For Petitioner : Mr.S.K.Mani
For R1 : M/S.S.PRABHA,
Government Advocate (Criminal Side)

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, to quash the First Information Report in Crime No. 214 of 2015 registered by the Inspector of Police, Fort Police Station (Crime) Branch, Tiruehcirappalli as far as this petitioner is concerned.

2. Heard the submissions made by the learned counsel appearing on either side.

3. The case of the petitioner is that the petitioner was working as the Sub Registrar, Trichirappalli at the relevant point of time when the alleged offence of impersonation was brought to light. One R.Subramanian, son of Rajan alias Anna Subramanian impersonated himself as S.Subramanian and executed a Gift Settlement Deed dated 07.02.2014 in favour of his son Sri Karunya. Subsequently, on 26.06.2014, the second respondent claimed that he entered into an agreement of sale in respect of the said property with the daughters of the original owner of Late S.Subramanian and he further claimed that he was in possession of that property. The



second respondent lodged a complaint by producing the death certificate of S.Subramanian, son of Swaminathan, who died on 09.01.1997 and he had mentioned about the subsequent sale deed borne out of the said impersonated gift settlement deed dated 07.02.2014 and in the said transaction, the petitioner herein is a responsible person for the act of forgery and impersonation and hence, FIR has been registered.

4. The petitioner has submitted that she was working as the Sub Registrar, Trichirappalli for a short term and that the incident is said to have been taken place during that time. The Inspector General of Registration had referred to the procedure relating to the complaints of fraudulent registration through impersonation or production of false documents in his Circular No.67 dated 03.11.2011, but, there was no complaint regarding impersonation placed for registration and hence, Rule 55 of the Registration Rules did not come into action. Therefore, the petitioner had carried out her duty in a lawful manner at the time of registration.

5. The learned counsel for the petitioner further submitted that the second registration was not done by the petitioner and earlier registration only was done by the petitioner and hence, he prays for relief as stated above.

6. The learned Government Advocate has brought to the attention of this Court that one Subramanian son of Swaminathan died on 09.01.1997 and that the defacto complainant has produced the death certificate and that when a person has already died on 09.01.1997, the settlement deed dated 07.02.2014 could not have been made and that itself is an ample proof that there was forgery and impersonation for attracting offences.

7. This Court considered the submissions and perused the materials available on record.

8. The powers under Section 482 of Cr.P.C. is very limited and as pointed out by the learned Government Advocate (Crl.side) for the prosecution, this case does not fall under any of the category of cases formulated in **Bajan Lal's case**, which held that "inherent powers under Section 482 Cr.P.C. have to be exercised sparingly, carefully and with great caution". Therefore, I find no reason to interfere with the proceedings, at this stage. That apart, the petitioner had in this transaction. Interfering with the First Information Report at this stage is too premature.

9. Taking note of the submissions of both sides and considering the facts and circumstances of the case, this Court is not inclined to grant relief sought for by the petitioner as it is



too premature and entire issue can be decided during investigation.

10. In the result, the Criminal Original Petition is dismissed.

WEB COPY

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

CM

To

1.The Inspector of Police,
Fort Police Station (Crime) Branch,
Tiruchirappalli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P. (MD) .No.21069 of 2015
Dated:-03.11.2015

RG.AAL-MPA 18.11.2015 3P/3C