



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.03.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.4357 of 2016 &
Crl.M.P.(MD).No.2173 of 2016

G.Shanmuga Sundaram
S/o.S.Ganapathy,
Sub Registrar,
1-A, Sough Mutharamman Kovil Street,
Palayamkottai,
Tirunelveli District.

... Petitioner/A9

vs.

1.State Through the Inspector of Police,
Gangaikondan Police Station,
In Cr.No.29/2016,
Tirunelveli District.

... Respondent/Complainant

2.Ramalakshmi

...Respondent/de-facto complainant

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the First Information Report in Crime No.29 of 2016, dated 13.02.2016 in the file of Inspector of Police, Gangaikondan Police Station, Tirunelveli and quash the same insofar as this petitioner is concerned.

For Petitioner : Mr.B.Rajamohamed

For Respondent : Ms.S.Prabha G.A.(Crl.Side)for R1

O R D E R

It is the case of the defacto complainant that the property in question belongs to her ancestral property and the accused namely A1 to A8 had registered a sale deed document No.2183 of 2015 in the office of the Sub Registrar Office, Gangaikondan, wherein this petitioner was working as Sub Registrar, at the relevant point of time. It is seen that the petitioner has not been named in the First Information Report and the First Information Report merely shows that Sub Registrar, Gangaikondan. Further, the learned counsel for the petitioner submits that in the course of official duty, when document comes for registration, he has no reason to suspect the bonafides of the persons who presented the document and therefore, he registered, for which he cannot be criminally liable. In the considered opinion of the Court, the investigation officer shall bear in mind this aspect and proceed with the investigation in accordance with law. If it is found that the Sub Registrar had acted in the course of duty, it is needless to state that his name should be dropped in the final report.



2. The criminal original petition is dismissed with the above observation. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
2. The Sub Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.RAJA MOHAMED, ADVOCATE, SR NO:14202

Jikr

JAM / SKS-RR/23.03.16/2P-5C

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Cr1.M.P.(MD) .No.2173 of 2016
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