



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.05.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.7318 of 2016

and

Crl.M.P.(MD)No.3710 of 2016

Sankaran

..Petitioner

Vs

1.State represented by

The Inspector of Police,

District Crime Branch,

Tuticorin District

.. Respondent/complainant

2.K.Kandasamy

.. Respondent/de-facto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to FIR in Crime No.14/13 on the file of the 1st respondent and quash the same as against the petitioner herein.

For Petitioners: Mr.T.Selvan

For Respondent : Mrs.S.Prabha

Government Advocate (Crl. Side) for R1

Orders Reserved on : 29.04.2016**Pronounced on : 04.05.2016****O R D E R**

This petition has been filed to quash the case in Crime No.14/13 on the file of the 1st respondent.

2.On the complaint lodged by one Kandasamy, the respondent police, registered a case in Crime No.14/13 on 01.05.2013 for offences under Sections 416, 465, 468, 471, 420, 120(b) and 506(i) IPC against one V.K.R.T.Ramachandrakumar and three others. It is the case of the de-facto complainant that he is the owner of 76 acres and 13 cents of land and that V.K.R.T.Ramachandrakumar (A1) and his brothers T.Rajkumar(A2) and T.Ramkumar(A3), were into real estate business and approached the de-facto complainant for selling the property and since the de-facto complainant did not agree, as the price offered by them was very low, V.K.R.T.Ramachandrakumar(A1) and his brothers impersonated the de-facto complainant and created a bogus sale deed as if executed by the de-facto complainant in favour of the 6th accused. The bogus sale deed was registered on 12.04.2011 in the office of the Sub Registrar, Ottapidaram. Initially, the de-facto complainant did



not know about it and later, when he came to know about it, he lodged the present complaint, based on which, the aforesaid case has been registered.

3. As stated above, initially, the case was registered only as against 4 accused. During the course of investigation, it came to light that Sankaran (the petitioner herein), who was the Sub Registrar, Ottapidaram had conspired with A1 and A2 for registering the bogus sale deed and therefore, the respondent police have filed an alteration report including Sankaran as an accused, challenging which, Sankaran is before this Court.

4. The learned counsel for the petitioner submitted that the Sub Registrar cannot be included as an accused, as he had only performed his official duties under Sections 52 and 54 of the Registration Act.

5. I am unable to accept the contention, because in this case Sankaran was not included as an accused, when the FIR was registered, but during the course of investigation, the police collected materials implicating Sankaran in the offence and therefore, he has been added as an accused by the investigating officer, who has filed alteration report before the District Registrar, Tuticorin. This Court does not find any infirmity in the action taken by the police for including the petitioner as an accused in the offence. It is always open to the respondent police to delete the name of the petitioner, if during the culmination of investigation, they find that he had acted within his powers and duties. Under such circumstances, the present petition is dismissed as devoid of merits. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar()

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

RR

To

1.The Inspector of Police,

District Crime Branch, Tuticorin District

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

RG.JGB/SS/ 13.05.2016 2P.3C

Order made in

Crl.O.P.(MD)No. 7318 of 2016

and Crl.M.P.No.3710 of 2016

04.05.2016