



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Cr1.O.P(MD)No.14195 of 2014

G.Anaimuthu

... Petitioner

Vs.

1.The Inspector General of Police,
South Zone,
New Natham Road,
Madurai.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Deputy Superintendent of Police,
Vigilance and Prevention of Anti-Corruption Cell,
Virudhunagar District.

4.The Joint Sub-Registrar,
Virudhunagar.

(The fourth respondent is suo motu impleaded as party respondent as per the order of this Court dated 07.08.2014 passed in Cr1.O.P(MD)No.14195 of 2014.)

5.M.Arunagirinathan

... Respondents

(The fifth respondent is impleaded as party respondent as per the order of this Court dated 19.08.2014 passed in M.P(MD)No.1 of 2014 in Cr1.O.P(MD)No.14195 of 2014.)

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to register the F.I.R based on the petitioner's complaint dated 20.06.2014.

For Petitioner

: Mr.R.Singaravelan
Senior Counsel
for Mr.D.Selvanayagam



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For Respondents

: Mr.A.P.Balasubramani
Government Advocate (Criminal Side)
for R.1 to R.4
Mr.M.Jerin Mathew
for Mr.M.E.Elango for R.5

ORDER

The petitioner has come before this Court seeking a direction to the third respondent to register an F.I.R based on the petitioner's complaint dated 20.06.2014.

2. The case of the petitioner is that he is the owner of the agricultural land to an extent of 62 cents comprised in S.No.330/2 at Melur Duraisampuram village, Rajapalayam Taluk, Virudhunagar District, bearing Patta No.1520. The land comprised in S.No.55/4 at Mettukundu village belongs to the Government. The petitioner's land and the aforesaid Government land were said to have been grabbed by the land grabbers by creating forged documents and the same was registered before the Joint Sub-Registrar No.II, Virudhunagar on 01.11.2013, colluding with each other.

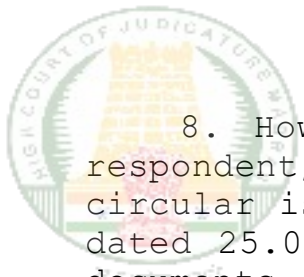
3. In this regard only, the petitioner gave a complaint and subsequently, the petitioner approached this Court by filing Crl.O.P.(MD)No.5216 of 2014 and this Court directed the respondent police to register an F.I.R. However, the same was closed as civil in nature on 18.03.2014.

4. After receiving the closure report, the petitioner approached the second respondent and lodged a complaint and subsequently, he filed a complaint to the third respondent on 20.06.2014. Since the said complaint has not been acted upon, the petitioner is before this Court.

5. Heard the learned Counsel for all the parties and perused the materials available on record.

6. The Joint Sub-Registrar, Virudhunagar, has been made as the fourth respondent herein and the concerned official was also impleaded as the fifth respondent.

7. When the matter is called today, it has been submitted by the third respondent - Deputy Superintendent of Police, Vigilance and Prevention of Anti-Corruption Cell, Virudhunagar District that an enquiry was conducted and the preliminary enquiry did not disclose any cognizable offence under the Prevention of Corruption Act against the official mentioned in the petitioner's complaint.



8. However, it has been stated in the report of the third respondent, dated 28.03.2016, that there is a violation of the circular issued by the Inspector General of Registration, Chennai, dated 25.04.2012, by the fourth respondent, while registering the documents. The relevant portion of the report dated 28.03.2016, reads as follows:

"... However, the fact of violation by the Sub Registrar, Virudhunagar Joint II Tr.Udhaya Kumar to observe the instruction of circular letter No.18339/C1/2012 dt.25.04.2012 of Inspector General of Registration, Chennai in respect of registration of the sale deeds was not followed in registration of Doc.N.5094/2013 executed by one Tmt.Saraswathi Ammal and 8 others to Tr.Arunagirinathar in connection with property comprised in S.No.330/2 of Duraisamiyapuram village was recommended to be brought to the notice of the Head of the Department concerned where in the above said Tr.Udayakumar is working. ..."

9. Since the third respondent has already conducted an enquiry and filed the report, it is open to the petitioner to act accordingly as per the legal advice. Further, the Inspector General of Registration, Chennai, is directed to take appropriate action against the fourth respondent based on the report of the third respondent, dated 28.03.2016, after giving an opportunity of hearing to all the parties concerned. A copy of this order be communicated to the Inspector General of Registration, Chennai, for compliance.

10. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector General of Police,
South Zone,
New Natham Road,
Madurai.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Deputy Superintendent of Police,
Vigilance and Prevention of Anti-Corruption Cell,
Virudhunagar District.



4.The Joint Sub-Registrar,
Virudhunagar.

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

6.The Inspector General of Registration,
Chennai.

+1cc to MR.D.SELVANAYAGAM Advocate in SR. No.11647

RSB

JS/PM/PN/20.03.2017/4P-7C

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01.03.2017