



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.[MD].No.6879 of 2018
and
Crl.M.P(MD)No.3268 of 2018

Venmathi : Petitioner/Accused No.8
Vs.

1.The Inspector of Police,
Palani Town Police Station,
Palani, Dindigul District.1st Respondent/Respondent

2.Sivagnanam : 2nd Respondent/Defacto
complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the Crime No.215 of 2018 on the file of the 1st respondent and quash the same in so far as this petitioner is concerned.

For Petitioner : Mr.V.Karthikeyan

For R-1 : Ms.S.Bharathi
Government Advocate (Criminal side)

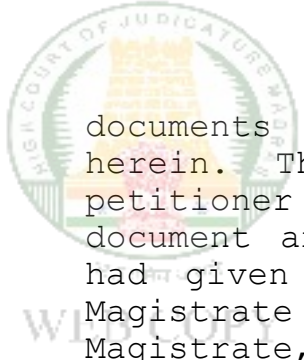
For R-2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.215 of 2018, on the file of the first respondent.

2.The second respondent has already been served notice and his name is also printed in the cause list. There is no appearance for the second respondent either in person or through a counsel. Therefore, this Court proceeds to deal with the case on merits.

3.The petitioner had been arrayed as A8 in the F.I.R. It is seen from the records that the petitioner is working as a sub-Registrar, Keeranur sub-Registrar Office, Palani Taluk. The case of the complainant is that the property in question was set to have been settled by the mother of the defacto complainant byway of a gift deed in favour of A1 to A4. According to the defacto complainant, the accused persons have colluded together and created



documents and the same has been registered before the petitioner herein. The only allegation that has been made against the petitioner in the complaint is that she has registered the said document and obtained bribe. In this case the defacto complainant had given a complaint under Section 156(3) before the learned Magistrate Court and based on the directions given by the learned Magistrate, the respondent police have registered a case in Crime No.215 of 2018. A1 to A7 have produced all necessary documents regarding their title over the property and the petitioner had merely registered the documents based on the documents produced by the other accused persons in accordance with the procedure envisaged under the Registration Act.

4. There is no averment in the complaint to the effect that the petitioner had also conspired along with the other accused person and had prepared the forged document and thereafter, had registered the document. The complaint merely says that the petitioner insisted for bribe and registered the document. Whereas the petitioner, who is the Sub-Registrar is bound to register documents produced before her for registration on a prima facie satisfaction about the documents and the Sub-Registrar can never raise any objection as to the genuineness of the documents to be registered or the rights of the parties who are parties to the document. The moment the documents are found to be in order, the petitioner as Sub-Registrar is bound to register the documents under the Registration Act. The petitioner as the Sub-Registrar has only performed her statutory duty under the Registration Act.

5. In the considered view of this Court, the petitioner has been unnecessarily arrayed as an accused. For the reasons stated above, this Court, comes to a conclusion that no case has been made out against the petitioner. Consequently, First Information Report in Crime No.215 of 2015 stands quashed insofar as the petitioner is concerned. It is made clear that the first respondent police shall proceed with investigation insofar as the other accused persons are concerned and file the final report as expeditiously as possible.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Inspector of Police,
Palani Town Police Station,
<https://hcservices.ecourts.gov.in/hcservices/>
Palani, Dindigul District.



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

+1CC to Mr.V.PERUMAL, Advocate, SR.No.82168

Cr1.O.P.[MD].No.6879 of 2018
and
Cr1.M.P(MD)No.3268 of 2018
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DAS
ES/PM/SAR 3/03.10.2018/3P/4C