



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.18208 of 2013 and
M.P(MD).No. 2 of 2013

Karuppaiah

... Petitioner/ A18

Vs.

1.State rep by
Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(Crime No.30 of 2013)

... Respondent/Complainant

2.P.Kesavan

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to quash the FIR in Crime No. 30 of 2013 on the file of the first respondent in so far as the petitioner concerned.

For Petitioner : Mr.A.Suresh Babu
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)
For R2 : Mr.S.Muthu Kumar

O R D E R

The petitioner herein, who is arrayed as accused No. 18, in Crime No.30 of 2013, on the file of the first respondent Police, has filed this petition seeking to quash the above said First Information Report.

2. Heard the learned counsel appearing for the petitioner submitted that the petitioner who has been arrayed as 18th accused in the complaint given by the defacto complaint has simply discharged his duty as registering authority on receipt of the sale deed presented by the parties concerned.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that criminal breach of trust has been alleged against the petitioner herein, who is serving as a Sub-Registrar in registering the sale deed presented by parties concerned and the same have to be investigated by the respondent Police.



4. At the time of registering the case, the petitioner herein was working as a Sub Registrar No.I at Virudhunagar District. On perusal of Section 52 of Registration Act, 1908, it is found that the registering authority has not been mandated to verify the title and ownership of the person, who alienates the property. He is just bound to register the document if the document is presented with the stamp duty levied on the document and the registration charges. The registering authority cannot sit over the document presented for registration questioning the title and ownership of the persons, who executes the sale deed. As per the averments made in the First Information Report, the petitioner herein is simply discharged his official function in his capacity as a registering authority. It is uncharitable to level such allegation against the registering authority, who has no role to play in the dispute with regard to the ownership of the property in question.

5. Actually, on going through the entire averments made in the First Information Report, in which, the defacto complainant challenged the ownership of the property, which was alienated by the other accused in this case, while the petitioner was working as a Sub Registrar in the Registration of Document. Therefore, the inclusion of the Registering Authority is one of the accused in this case is a sheer abuse of process of law. No registering authority can discharge his function in a fair and fearless fashion, if such false allegations are levelled against the Registering Authority. Under such circumstances, this Court finds that the petitioner who has been arrayed as 18th accused in Crime No. 30 of 2013, on the file of the respondent Police will have to be relieved on the criminal proceedings.

6. In the result, the First Information Report registered in Crime No. 30 of 2013, on the file of the first respondent Police relating to the petitioner viz., Karuppiyah, 18th accused therein stands quashed and the petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.



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

+1cc to M/S.M.Rajarajan, Advocate SR.No. 54954

Cr1.O.P. (MD) No.18208 of 2013 and
M.P (MD) .No. 2 of 2013
13.03.2018

trp
JM/JC/SAR 3/19.04.2018/3P/4C