

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
Crl.OP No.18586 of 2016
and Crl.M.P.Nos.8731 & 8732 of 2016

R.Rajendran

.. Petitioner

Vs.

- 1.The Inspector of Police,
District Anti Land Grabbing Cell,
Krishnagiri District.
- 2.The Inspector of Police,
Hudco Police Station,
Hosur Taluk,
Krishnagiri District.
- 3.V.Dinesh
Impleaded R3 as per the order of this
Court dated 25.01.2017 in
Crl.M.P.No.1029/2017

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to Cr.No.383 of 2007 registered by the second respondent/Inspector of Police and now pending on the file of the first respondent police station and to quash the same against the petitioner.

For Petitioner	:Mr.A.L.Somayaji, Sr. Counsel for Mr.S.Senthilvel
For Respondents R1 & R2	:Mrs.V.Saratha Devi Government Advocate (Crl. Side)
For Respondent-3	: Mr.V.Nicholas

सत्यमेव जयते
O R D E R

The FIR registered in Cr.No.383 of 2007 against the petitioner herein/A4 by the second respondent/Inspector of Police, Hudco Police Station, Hosur Taluk, Krishnagiri District and now pending on the file of the first respondent police is under challenge in this petition.

2. Heard Mr.A.L.Somayaji, learned Senior counsel for the petitioner and Mrs.V.Saratha Devi, learned Government Advocate appearing on behalf of the respondents 1 & 2 as well as Mr.V.Nicholas, learned counsel for the third respondent.

3. The petitioner herein, who has been arrayed as a A4 in the impugned FIR is the Sub Registrar of Hosur. The overt act attributed by the complainant as against this petitioner is that when the Deed of General Power of Attorney was presented before this petitioner for registration, he had colluded with the other accused and in the personal absence of the complainant, had entertained the presentation of the Deed of General Power of Attorney and registered the sale by attesting the photographs and signature in the Deed of General Power of Attorney and accordingly, registered the same as Doc.No.2068 of 2007.

4. The learned Senior counsel for the petitioner would submit that the petitioner herein was on leave on that particular date and in support of such a contention, he would rely upon the registered copy of the Deed of General Power of Attorney dated 27.04.2007 registered on 05.06.2007 as Doc.No.2068 of 2007. His further reliance was to an information obtained from the Public Information Officer, Sub Registrar Office, Hosur, which evidences that the relevant Sub Registrar at the time of registration of Doc.No.2068 of 2007 was one Kuppusamy.

5. The learned Government Advocate relied upon the closure report of the Investigation Officer in the earlier round of investigation and submitted that the petitioner herein had colluded with the other accused for the purpose of registering the Deed of General Power of Attorney with criminal intention. She also stated that since the matter is pending investigation, this Court should not exercise its jurisdiction under Section 482 of the Criminal Procedure Code.

6. The learned counsel for the third respondent placed reliance on the information gathered by the Investigation Officer from the Sub Register Office and submitted that there were subsequent events which would reveal the involvement of the petitioner in the crime. Apart from this submission, he stated that the Sub Registrar was a party to a civil proceedings in which the prayer therein is to refrain him from entertaining any document connected with the subject land and the same was suppressed by him.

7. I have given careful consideration to the submissions made by the respective counsels.

8. Apparently, the only overt act attributed to the petitioner herein/A4 is that he had been the Sub Registrar at the time when the Deed of General Power of Attorney dated 27.04.2007 was presented and registered by him in the absence of the complainant on 05.06.2007. Apart from this, there is no other material to substantiate that the petitioner had been the Sub Registrar at the time of registration. A copy of the Deed

of General Power of Attorney dated 27.04.2007, registered on 05.06.2007 as Doc.No.2068 of 2007 has been produced before this Court and the endorsement made by the Sub Registrar in the said document reveals that the registration was done by one Kuppusamy, who has acted as Sub Registrar for the purpose of registration of this Doc.No.2068 of 2007. This endorsement of Shri Kuppusamy is ratified through a reply given by the Public Information Officer of the District Registrar, Hosur dated 05.02.2016. These two documents clearly establishes that the petitioner herein had never acted as a Sub Registrar at the relevant point of time when the occurrence is alleged to have taken place as per the complainant's version. The information sought by the Investigation Officer that the Register's Office also does not reveal that the petitioner herein had acted as a Sub Registrar for the purpose of registration of the Doc.No.2068 of 2007. When all these evidences clearly establishes the non involvement of the petitioner, the overt acts attributed to this petitioner is apparently misdescription of the parties. While that being so, it would not be appropriate to permit the Investigation Officer to proceed with the investigation as against this petitioner and make him undergo the ordeal of a criminal investigation.

9. In the light of the above observations, the impugned FIR in Cr.No.383 of 2007 now pending on the file of the first respondent herein, insofar it relates to the petitioner/A4, stands quashed. Consequently, the Criminal Original Petition is allowed. The second respondent is at liberty to proceed as against the other accused. Connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

सत्यमेव जयते Sub Asst. Registrar

dp

To

1.The Inspector of Police,
District Anti Land Grabbing Cell,
Krishnagiri District.

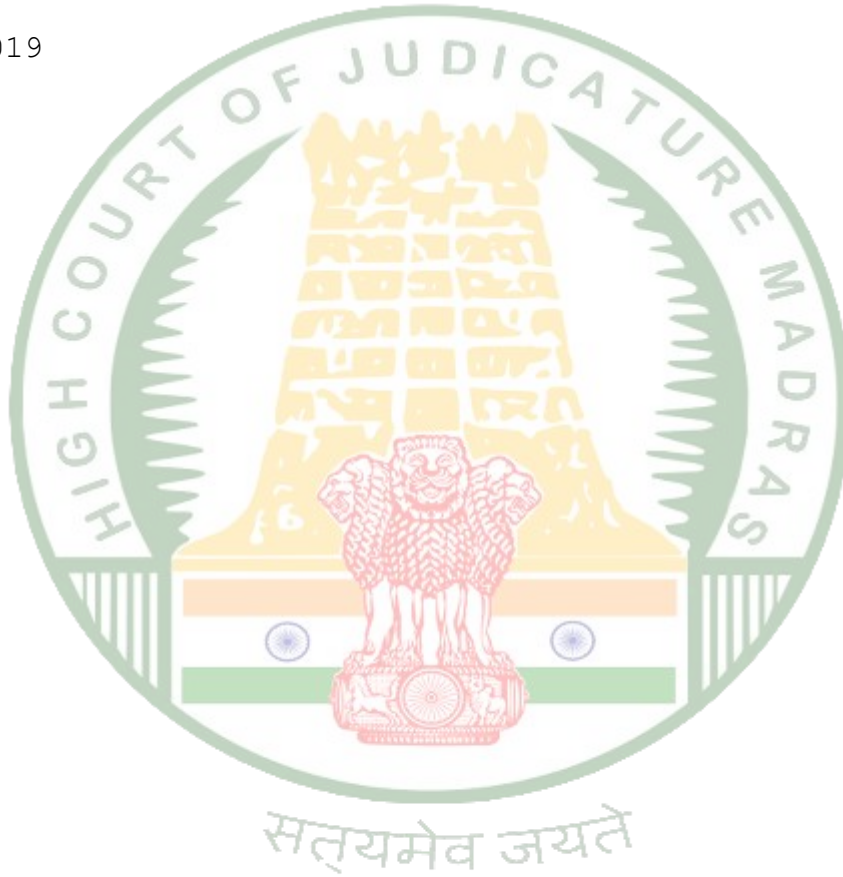
2.The Inspector of Police,
Hudco Police Station,
Hosur Taluk,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.S.Senthil Vel Advocate sr95449
+1 cc to Mr.V.Nicholas Advocate sr95280

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