



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 14.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P.(MD)No.16006 of 2014

and M.P.(MD)No.1 of 2014

Jeyaraj

... Petitioner/Accused No.9

Vs.

1.The State through by its

Deputy Superintendent of Police,

(Special Wing for Land Grabbing

Preventive Cell)

Virudhunagar,

Virudhunagar District.

In Crime No.30 of 2011.

..1<sup>st</sup> Respondent/Complainant

2.Banu Ramachandran

... 2<sup>nd</sup> Respondent/Defacto complainant

**Prayer:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.09 of 2013 on the file of the Special Court for Land Grabbing Preventive Wing, Virudhunagar District and quash the same with regard to the petitioner.

For Petitioner : Mr.M.Sridharan

For R1 : Mr.K.K.Ramakrishnan

Additional Public Prosecutor

### ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.09 of 2013 on the file of the Special Court for Land Grabbing Preventive Wing, Virudhunagar District.

2.The petitioner is A9 and he has been charged with for an offence under Sections 120(b), 419, 465, 468, 471 IPC r/w 109 IPC. The case of the prosecution is that the petitioner was working as Sub-Registrar in Thirupuvanam in the year 2006. A land in Survey No.18/3 at Erumaikulam Village, Virudhunagar District, belongs to the defacto complainant, A1 in this case, along with A2 and A3, have created forged power of attorney and the same was registered by A6 / Sub-Registrar. Thereafter, based on the forged power of attorney, A2 sold the property to A3, which was registered by the petitioner / A9. Hence, the petitioner was charged with Sections 120(b), 419, 465, 468, 471 IPC r/w 109 IPC.

3.The learned counsel appearing for the petitioner submitted that earlier another Sub-Registrar/A6, who registered the alleging power of attorney, filed a petition in Crl.O.P.(MD)No.1500 of 2013 to quash the criminal proceedings, and this Court vide order dated 06.02.2018, quashed the criminal proceedings as against A6. He



further submitted that the petitioner, who is Sub-Registrar only registered a sale deed based on the power of attorney and he is also similarly placed person and the order quashing the complaint against A6, squarely applies to him. The learned counsel for the petitioner also produced the copy of the said order. The relevant portion of the order reads as follows:

*"9. So, the abovesaid judgments show that the Sub-Registrar is having only duty to register the document until an objection is raised by some other party. In this case, at the time of registering the document, nobody was appeared before him and raised an objection. Furthermore, as of now, the disputed document registered at the time of alleged occurrence was cancelled on 27.02.2013. So, the entire facts clearly reveal that the petitioner herein is doing his duty only according to the norms fixed in Section 52 of the Registration Act, 1908, for which, laying the charge sheet against him without showing any evidence for conspiracy is nothing but erroneous. Therefore, this Court comes to the conclusion that the proceedings in C.C.No.351 of 2012 on the file of the Judicial Magistrate Court No.II, Virudhunagar, [Subsequently, transferred to the Special Court constituted for Anti Land Grabbing Cases, Virudhunagar and renumbered as C.C.No.9 of 2013] pending against the petitioner, is liable to be quashed and accordingly, the same is quashed in respect of the petitioner/A6 alone.*

*In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed."*

4. The learned Additional Public Prosecutor appearing for the first respondent not disputed the aforesaid facts.

5. Considering the fact that the petitioner, who is the Sub-Registrar, registered the sale deed based on the power of attorney and he is also similarly placed person as that of A6 and the proceedings against the petitioner is also liable to be quashed. Accordingly, the proceedings in C.C.No.09 of 2013 on the file of the Special Court for Land Grabbing Preventive Wing, Virudhunagar District is quashed, so far as the petitioner herein is concerned and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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To

1. The Judge,  
Special Court for Land Grabbing Preventive Wing,  
Virudhunagar District.

2. The Deputy Superintendent of Police,  
(Special Wing for Land Grabbing  
Preventive Cell)  
Virudhunagar,  
Virudhunagar District.

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

+1 CC to M/s.M. SRI DHARAN, Advocate ( SR-82162[F] dated  
19/08/2019 )

gns

Crl.O.P.(MD)No.16006 of 2014  
14.08.2019

KM/(09.09.2019) 3P 5C