



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.65 of 2015

and

MP (MD) Nos.1 & 2 of 2015

S.Arunachalam

... Petitioner / Accused No.10

Vs.

1.State, through the inspector of Police,
District Crime Branch,
Thoothukudi.
Crime No.5 of 2007.

... Respondent/Complainant

2.S.T.Sundarapandian

... Respondent /Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.537 of 2014 on the file of the learned Judicial Magistrate Court No.1, Tuticorin and quash the charges.

For Petitioner : Mr.N.Ananthapadmanaban

For Respondents : Mr.A.Robinson,
Government Advocate for R1

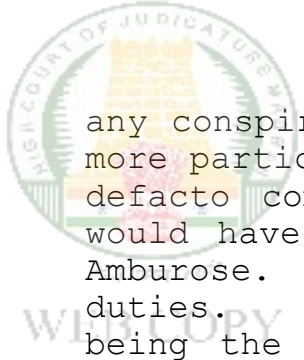
Mr.r.Manimaran for R2

ORDER

The petitioner is figuring as Accused No.10 in C.C No.537 of 2014 on the file of the learned Judicial Magistrate No.1, Thoothukudi. The defacto complainant is the second respondent herein. The petitioner was the in charge Joint Sub Registrar No.2 of Palayamkottai. On 28.09.2006, a general power of attorney was registered and assigned as Document No.1674 of 2006. It was purported to have been executed by one Amburose in favour of one Parvathi. The said power of attorney was subsequently cancelled on 10.10.2006. The impugned FIR came to be lodged on 05.02.2007. In the investigation, it was revealed that A2 Thangapandi had impersonated one Amburose and executed the offending document. In the final report, it is mentioned that the petitioner herein namely S.Arunachalam who was the in-charge of Joint Sub Registrar No.2 did not verify the document in question and that was responsible for the registration of the power of attorney.

<https://hcservices.ecourts.gov.in/hcservices/>

2.I went through the statements recorded under Section 161 of Cr.PC. There is absolutely no material to indicate that there was



any conspiracy between the petitioner and the principal accused and more particularly Thangapandi, the second accused. According to the defacto complainant, if the petitioner herein had been alert, he would have probably found that Thangapandi was impersonating one Amburose. The petitioner after all was discharging his official duties. It is not the case of the prosecution that apart from being the authority who registered the document in question, the petitioner did anything else. I am of the view that continuation of the impugned prosecution as far as the petitioner is concerned would certainly amount to an abuse of legal process. In this view of the matter, the impugned prosecution stands quashed as far as the petitioner is concerned. It is made clear that the benefit of this order will not enure in favour of the remaining accused. This petition stands allowed. Connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar(CS)

Skm

To

1.The Judicial Magistrate Court No.1, Tuticorin.

2.The Inspector of Police,
District Crime Branch,
Thoothukudi.

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

+1CC TO MR.N.ANANTHAPADMANABAN, Advocate Sr. No. 87778

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TR(09.10.2019) 2P 5C