



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/02/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD). No.320 of 2020

WEB COPY

1. Muthu Manickam,

2. Ilayaraja, ... Petitioners/Accused Nos.1&2

Vs

The Inspector of Police,
Aravayal Police Station,
Sivagangai District
In Crime No.109 of 2019.

... Respondent/Complainant

Mahalakshmi

...Petitioner/Intervenor

For Petitioners : M/s.A.Mohan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.P.Venkata Subramanian

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C
PRAYER :-

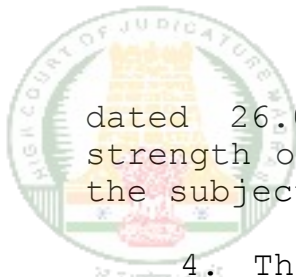
For Anticipatory Bail in Crime No.109 of 2019 on the file of
the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences under sections 465, 471 and 420
of I.P.C., in Crime No.109 of 2019 on the file of the respondent
police, seek anticipatory bail.

3. The defacto complainant in this case is one Mahalakshmi.
Her husband/Surenthiran had executed a power of attorney dated
29.07.2006 in favour of his father/Muthu Manickam. Surenthiran
executed a sale deed dated 04.10.2008. Muthu Manickam(A1) executed a sale deed



dated 26.03.2013 in favour of his other son/Ilayaraja on the strength of the power of attorney executed by Surenthiran. This is the subject matter of the FIR.

4. This Court made it clear that the offending transactions will have to be undone. Today when the matter was taken up for hearing, the learned counsel appearing on either side submitted that the Jurisdictional Registrar is refusing to register the document in question.

5. It is stated that the cancellation deed dated 13.02.2020 was presented before the Joint Sub Registrar No.2, Karikudi.

6. The complaint has been given by the widowed daughter-in-law of A1. I could see that on the strength of the power of attorney that got lapsed, a document was registered. Therefore, in order to protect the interest of the defacto complainant, a direction was given to nullify the transaction. In this case, A2 who is the purchaser of the property has agreed and come forward to cancel the document in question. As a result, the rights of the defacto complainant will be restored. I fail to understand as to why the Jurisdictional Registrar should refuse to register such transaction. The Joint Sub Registrar No.2, Karikudi, is directed to register the document to be executed by the petitioners cancelling the earlier sale dated 26.03.2013 (registered as Document No.2317 of 2013). This transaction must be concluded within a period of 10 days from the date of receipt of a copy of this order.

7. The learned counsel appearing for the intervener states that if the offending transaction is nullified, she will no objection for closing the criminal case. Thereupon, the respondent is directed to file the final report dropping further action in the matter after recording the statement of the defacto complainant.

8. Since the petitioners have agreed to nullify the transaction, the respondent need not arrest the petitioners herein.

9. This criminal original petition is disposed of on these terms.

sd/-
17/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



- 1 THE JOINT SUB REGISTRAR NO.2
KARAIKUDI.
- 2 THE INSPECTOR OF POLICE
ARAVAYAL POLICE STATION, SIVAGANGAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.A.MOHAN Advocate SR.No.3407

ORDER
IN
CRL OP(MD) No.320 of 2020
Date :17/02/2020

KM/ (24.02.2020) SAR3-SKN /3P 5C