



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**Crl.O.P. (MD)No.13036 of 2016**

**and**

**Crl.M.P. (MD)Nos.6120 and 10245 of 2016**

Chellapandi ... Petitioner/Accused No.8

-vs-

1. State through by  
The Inspector of Police  
Puliankudi Police Station,  
Tirunelveli District, ...1<sup>st</sup> Respondent/Complainant  
(Crime No.370 of 2015)

2.Kalaiselvi ... 2<sup>nd</sup> Respondent/Defacto Complainant

**PRAYER:** Petition filed under Section 482 of the Criminal Procedure Code to call for the records in Crime No.370 of 2015 on the file of the first respondent and quash the same as against the petitioner.

For Petitioner : Mr.R.J.Karthick

For R1 : Mrs.M.Ananthadevi  
Government Advocate (crl.side)

For R2 : Mr.T.S.R.Venkataramana

### **O R D E R**

This Criminal Original Petition has been filed for quashing the First Information Report in Crime No.370 of 2015 registered on the file of Puliyangudi police station for the offences under Sections 120(b), 419, 420, 465, 467, 468, 471, 474 of IPC. The petitioner is figuring as A8 in the said First Information Report. The defacto complainant is the second respondent namely Kalaiselvi.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. He would submit that the petitioner as a statutory registration authority dutifully complied with the statutory procedures and having discharged his duty, he cannot be fastened with penal liabilities. He placed



reliance on the decision of this Court reported in **2018 1 TLNJ 177 (criminal)** in the case of **S.Annamalai vs State through by Superintendent of Police, Land Grabbing Preventive Cell, Virudhunagar District.**

3.It is true that at the first blush, the said decision favours the petitioner herein. But then, this Court had quashed the proceedings impugned therein after the final report was filed and cognizance of the offence was taken. But now we are at the First Information Stage. The case of the defacto complainant as expounded by the learned counsel appearing for her, is that her husband Chelladurai died in an accident. He was survived by four legal heirs namely his mother, Chelladurachi, his wife / the defacto complainant herein, and two children Aravinthan and Aananthan (twins). While so, a settlement deed dated 15.09.2014 was executed by the mother-in-law of the defacto complainant in favour of A1 namely Rajeswari. The executant namely Chelladurachi conveyed 50 % of the joint family property in favour of A1, Gomathi Muthumari Duraichi. This claim of the executant namely Chelladurachi is based on a legal heir certificate said to have been issued by the local Village Administrative Officer. The said Village Administrative Officer is also figuring as a accused in this case.

4.The allegation of the second respondent / defacto complainant is that by committing impersonation, a forged deed was executed on 29.01.2015 on the file of the Sub Registrar Office, Vasudevanallur,. While, the settlement deed dated 15.09.2014 was executed before the Sub Registrar Office, Puliyangudi, the other one was executed before the Sub Registrar Office, Vasudevanallur.

5.The case of the defacto complainant is that unless there was active collusion and conspiracy among the accused, registration of such a fraudulent document was not and could not have been possible. He further brought my attention to the fact that eventhough there is a circular clearly indicating that no registration can be done after 3.30 p.m., the document in question was registered between 6.00 p.m., and 7.00 p.m., on the occurrence date. The petitioner was a party to the conspiracy to deprive her valuable immovable property rights.

6.It is a matter for investigation. On the strength of the decision advanced before me, it is not possible to quash the impugned proceedings. Accordingly, this Criminal Original Petition stands dismissed. It is seen that the First Information Report was registered way back in the year 2015. More than five years have gone by. Therefore, the first respondent is directed to file a final report within eight weeks from the date of receipt of a copy of this order.



7.With this direction, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Inspector of Police, Puliankudi Police Station,  
Tirunelveli District.

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

+1 CC to MR.R.J.KARTHICK, Advocate ( SR-7389[F] dated 20/02/2020 )

+2 CC to MR.T.S.R.VENKATRAMANA, Advocate ( SR-7248[F] dated  
20/02/2020 )

**Cr1.O.P. (MD) No.13036 of 2016**  
**19.02.2020**

VB(02.06.2020) 3P 6C