

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.11924 of 2017  
and  
Crl.M.P.Nos.7830 & 7831 of 2017

Sampath (Sub-Registrar)  
Sub-Registrar Office  
Arakkonam, Vellore

... Petitioner/2<sup>nd</sup> Accused

Versus

Elumalai

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to quash the proceedings in C.C.No.283 of 2014 pending on the file of the learned Judicial Magistrate Court, Arani.

|                |   |                 |
|----------------|---|-----------------|
| For Petitioner | : | Mr.S.Rajeswaran |
| For Respondent | : | Mr.G.Saravanan  |

O R D E R

This Criminal Original Petition has been filed to quash the private complaint in C.C.No.283 of 2014 pending on the file of the learned Judicial Magistrate Court, Arani, who was working a Sub-Registrar at the relevant point of time.

2. The crux of the allegations in the private complaint which was taken on file in C.C.No.283 of 2014 is as follows:

The first accused entered into a lease agreement with the de facto complainant and the same was typed in seven stamp papers and was signed by the de facto complainant. Thereafter, the first accused in collusion with this petitioner (A2)

inserted a white paper as page 7 in the lease deed, incorporated a condition, which was never intended by the parties and also forged the signature of the de facto complainant which led to the filing of the private complaint for the offences under Sections 417, 420, 465, 468, 471 and 474 IPC.

3. The trial Court took cognizance of the offence and the same was sought to be quashed mainly on the ground that no sanction was obtained under Section 197 Cr.P.C since the offences alleged to have been committed while discharging the official duty of the present petitioner herein.

4. Heard the learned counsel appearing for the respondent.

5. The learned counsel for the respondent submitted that at no stretch of imagination the act of the petitioner herein could be construed as an act which was done while discharging his official duty. In fact, the petitioner has aided and colluded with A1 to create a document to show as if it is registered one and hence opposed for quashing the private complaint.

6. This Court perused the entire materials available on record. The crux of the charge is that a white paper has been inserted in between the stamp papers as page 7. Normally, Registrars will register the document only after verifying the document. When all other pages are in the stamp paper, only one page inserted by A1 was in white paper, the Registrar ought to have made an enquiry, which has not been done, as the very allegation itself indicates that the signature of the de facto complainant has also been forged in collusion with the present petition. This Court is of the view that when the document has been allowed to be created in order to give a legal sanctity, such act can never be construed as official act discharging the duty and therefore, the sanction for prosecuting a person who said to have committed an offence not in discharge of his official duty is not required. It is for the trial Court to decide whether the act of the petitioner is actually fall within the official duty or not. In such view of the matter, I do not find any merit in the present Criminal Original Petition and the same is liable to be dismissed.

7. Accordingly, this Criminal Original Petition is dismissed. The trial Court shall dispose of the case within a

period of six months from the date of receipt of a copy of this order.

Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gpa/gba

To

1. The Judicial Magistrate Court  
Arani.

+2ccs to Mr.S.Rajeswaran, Advocate, S.R.No.68599

Cr1.O.P.No.11924 of 2017  
and  
Cr1.M.P.Nos.7830 & 7831 of 2017

MG(CO)  
SU(30/12/2021)