



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.24145 of 2018

and

Cr1.M.P.No.13634 of 2018

D.Mohan Kumar

... Petitioner

Vs.

1. State by
Inspector of Police
City Crime Branch
Coimbatore City
Coimbatore.

2. K.Velusamy

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of FIR in Crime No. 40 of 2018 dated 16.08.2018 on the file of the First Respondent herein and quash the same.

For Petitioner : Mr. N.Ponraj

For Respondents : Mr. C.E.Pratap (For R1)
Govt. Advocate (Cr1. Side)

Mr. R.Sasikumar (For R2)

ORDER

The petitioner is working as Sub Registrar within the jurisdiction of Coimbatore City, has filed this Original Petition seeking to quash the FIR pending against him in Crime No.40 of 2018 on the file of the first respondent herein.

2. The complaint against the petitioner is that he has permitted registration of document which the second respondent/defacto complainant alleges is a fraudulent one. The issue involved in this case covered by an earlier judgment of this Court in Cr1.OP.No.6879 of 2018 (Venmathi Vs. the Inspector of Police, palani Town Police Station, Palani, Dindigul District and another) wherein a similar issue was dealt with and this



Court, by an order dated 31.08.2018, allowed the same and observed as follows:

''4. There is no averment in the complaint to the effect that the petitioner had also conspired along with the other accused person and had prepared the forged document and thereafter, had registered the document. The complaint merely says that the petitioner insisted for bribe and registered the document. Whereas the petitioner, who is the Sub-Registrar is bound to register documents produced before her for registration on a prima facie satisfaction about the documents and the Sub-Registrar can never raise any objection as to the genuineness of the documents to be registered or the rights of the parties who are parties to the document. The moment the documents are found to be in order, the petitioner as Sub-Registrar is bound to register the documents under the Registration Act. The petitioner as the Sub-Registrar has only performed her statutory duty under the Registration Act.

5. In the considered view of this Court, the petitioner has been unnecessarily arrayed as an accused. For the reasons stated above, this Court come to a conclusion that no case has been made out against the petitioner. Consequently, First Information Report in Crime No.215 of 2015 stands quashed insofar as the petitioner is concerned. It is made clear that the first respondent police shall proceed with investigation insofar as the other accused persons are concerned and file the final report as expeditiously as possible.''

3. The issue involved in this case is squarely covered by the above observation. Hence, this Criminal Original Petition is allowed and the FIR in Crime No.40 of 2018 pending on the file of the first respondent is quashed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rli



To

1. The Inspector of Police
City Crime Branch
Coimbatore City
Coimbatore.

2. The Public Prosecutor
Madras High Court.

+lcc to M/s.N.Ponraj, Advocate, S.R.No.55009

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RGN(CO)
SB(08/12/2021)