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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

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THE HONOURABLE THIRU JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4526 of 2022
and Crl.M.P.No.2315 of 2022

M.Muthusamy

.. Petitioner/ 1st Accused

vs

1. State by

The Inspector of Police,

Directorate of Vigilance and Anti Corruption,

Chennai and District

.. 1st Respondent/ Complainant

2. R.Velmurugan

... 2nd Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in FIR No.1 of 2020 on the file of Directorate of Vigilance and Anti Corruption, Chennai and District and quash the same.

For Petitioner : Mr.P.Vijendran

For 1st Respondent : Mr.E.Raj Thilak
Addl.Public Prosecutor

ORDER

This petition is filed to call for the records from the first respondent pertaining to the impugned FIR No.1 of 2020 on the file of Directorate of Vigilance and Anti-Corruption and quash the same.

2. The case was registered on the basis of the complaint given by the second respondent/defacto complainant alleging that in the year 2019, the defacto complainant and his brother purchased an extent of 53 cents of land from Indraniammal's family. He approached Registrar Office, Kunrathur for registering the sale deed on 12.09.2018 and a sum of Rs.6,31,420/- (Rupees Six lakhs thirty one thousand four hundred twenty only) was paid as stamp duty and registration charges. However, the sale deed was not returned and the officials were giving one reason or other for not returning the papers.



3. In the first week of August 2019, the defacto complainant and his wife met Mr.M.Munusamy, Sub Registrar and asked about the release of document. He told them that the property purchased under the sale deed was shown in "cent measurement" and it should be shown in "sq.ft measurement" and they have to spend further Rs.12,00,000/-. Again they met him on 23.01.2020 and told him that they are going to do only agriculture and the lands surrounding the property are also used for agricultural purpose. He demanded Rs.5,00,000/- (Rupees five lakhs only) for releasing the document and asked them to meet document writer one Prakash. Accordingly, they met Prakash and he asked them to meet the Sub Registrar and the Sub Registrar demanded Rs.5,00,000/- for releasing the document. Therefore, the present complaint is filed.

4. On the basis of the complaint, case was registered for the offence punishable under sections 7 and 12 of Prevention of Corruption Act. Challenging the registration of the case, the present petition has been filed to quash the proceedings.

5. Learned counsel for the petitioner submits that the property purchased and sought to be registered is situated in S.Nos.459, 459/1 and 459/2A1. Survey No.459/1 measures an extent of 0.3.6 cents and Survey No.459/2 measures an extent of 0.49.4 cents. In a proceeding dated 04.03.2020 the Sub Registrar, Kunrathur addressed to the District Revenue Officer, Singaravelar Malligai, Chennai stating that the impugned document is undervalued and stamp duty for a value of Rs.13,00,520/- (Rupees thirteen lakhs five hundred twenty) ought to have been paid but only Rs.4,03,930/- (Rupees four lakhs three thousand nine hundred thirty) was paid. The deficit stamp duty was R.8,96,592/- (Rupees Eight lakhs ninety six thousand five hundred ninety two only). Therefore, action under Section 47-A(1) of the Indian Stamps Act was recommended.

6. Learned counsel for the petitioner submits that it is apparent from the proceedings that the property was undervalued and therefore it was rightly held back by the Sub Registrar for payment of deficit stamp duty and therefore, he cannot be prosecuted for discharging his duties.

7. Per contra, learned Additional Public Prosecutor submits that the specific allegation against the petitioner is that he demanded a sum of Rs.5,00,000/- (Rupees five lakhs only) for clearing the document and the document writer is also implicated as an accused in this case and investigation is pending. Therefore, he prays for dismissal of the petition.

8. I have considered the rival submissions made on either side and perused the materials available on record.



9. It is clearly evident that the document, in question, has been undervalued and the specific allegation against the petitioner is that he demanded a sum of Rs.5,00,000/- (Rupees five lakhs only) to clear the document. When there is specific allegation against the petitioner and the document writer that the petitioner demanded a sum of Rs.5,00,000/- (Rupees five lakhs only) for clearing the document, this Court is of the considered view that this aspect has to be investigated by the first respondent and it is too early to approach this Court to quash the proceedings.

11. Therefore, the Criminal Original Petition is dismissed. The first respondent is directed to expedite the investigation and file final report at the earliest. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
The Directorate of Vigilance and Anti Corruption,
Chennai and District
2. The Public Prosecutor,
High Court, Chennai

Cr1.O.P.No.4526 of 2022

GPL(CO)
SB(23/03/2022)