

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.8447 of 2022
and Crl.M.P.No.4929 of 2022

1.Sathiyachandar

2.D.Vinothkumar

...Petitioners/Accused 6 & 8

Vs.

1.The State represented by
The Inspector of Police,
Chennai City 1,
Vigilance and Anti Corruption,
Chennai - 600 016. ...1st Respondent/Complainant

2.S.Pandaraswamy ...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in Crime No.3 of 2022, on the file of the first respondent herein and to quash the same.

For Petitioners : Mr.D.Balamurali

For R1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the Crime No.3 of 2022, on the file of the first respondent herein.

2.The counter affidavit has been filed by the first respondent police.

3.The crux of the issue is whether pursuant to G.O.No.1366, dated 23.12.1996, the subject matter of the land covered under the settlement deed executed by the first and second petitioners in favour of the respective party, is true or not?

4. According to the petitioner, the forest poramboke was re-classified as Gramanatham. Accordingly, he has executed the settlement deeds and the consequent sale deeds. The very genuineness of the alleged G.O.No.1366, dated 23.12.1996, is under cloud. Already, the first respondent/Investigation Officer had addressed a letter to the District Collector, Kancheepuram, on 24.03.2022, requesting to furnish the certified copies of the various Government Orders in connection with the forest land and reclassification of the forest land as Gramanatham.

5. The records reveal that based upon the source information and discrete enquiry, allegation has been surfaced that the first accused, viz., Venkatasubramanian, who was working as Sub-Registrar, O/o. the SRO, Tambaram, has registered the following 2 sale deeds and 6 settlement deeds in document nos. (i) 4685/2018, (ii) 4952/2018, (iii) 5087/2018, (iv) 808/2019, (v) 3958/2019, (vi) 7380/2019, (vii) 523/2020 and (viii) 524/2020, in respect of the above said reserve forest land by violating the law and regulations, in which, settlement deed in Document No.808/2019, is relevant to the first petitioner/6th accused; settlement deeds in Document Nos.523/2020 & 524/2020 are relevant to the second petitioner/8th accused.

6. The said K.Venkatasubramanian was working as Sub-Registrar, Tambaram during the year 2018 to 2020 and now he is under suspension and he is a public servant as defined under Section 2(c) of PC Act.

7. In conspiracy with the private individual, the said public servant has registered as many as eight documents viz., two settlements deeds, six sale deeds and necessary prior approval was sanctioned under Section 17(A)(1) of the PC Act and preliminary enquiry was conducted and resulted in registration of FIR against A1/public servant and the other private parties.

8. Hence, I find that the Registration of the FIR is only after following necessary formalities as prescribed under the Prevention of Corruption Act amended as 2018. The contention raised by the learned counsel for the petitioner, the Government Order is subject to verification and genuineness of the document is under investigation. The investigation is in progress ultimately it requires considerable period of time to complete the investigation as and when the documents from the Revenue Department has arrived. Only after the completion of the preliminary investigation the exact role alleged to have been played by the petitioner herein can be fixed and hence, at this stage it is premature.

9. Accordingly, this Criminal Original Petition is dismissed. However, a liberty is given to the petitioner to agitate his right, if there is any change of circumstances. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Chennai City 1,
Vigilance and Anti Corruption,
Chennai - 600 016.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.8447 of 2022
and CrI.M.P.No.4929 of 2022

PR (11/07/2022)