



CRL.O.P.No.22395 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22395 of 2022

and

CrI.M.P.No.14409 of 2022

Selvasundari

... Petitioner/A1

Versus

1.State Rep by
The Inspector of Police,
CC-II, V & AC, Chennai.
Cr.No.02/AC/2021

2.Mayilvelavan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records on the file of the respondent in F.I.R.No.02/AC/2021 dated 10.02.2021 and quash the proceedings before the respondent against the petitioner.

For Petitioner : Mr.P.Saranath

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioner/Accused No.1 in Crime No.02/AC/2021, registered by the first respondent for offence under Section 7 of Prevention of Corruption Act, has filed this quash petition.



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2. The gist of the complaint is that one M.Mayilvelavan has lodged a complaint to the first respondent on 10.02.2021 alleging that during December, 2020 he purchased a flat at III Floor, Aswini Amaniya Apartments, Nellikuppam Main Road, Guduvancherry for a sale consideration of Rs.27 lakhs. The property was purchased in the name of his wife. The sale deed was prepared by an Advocate and through him, he applied for registration through on-line on 02.01.2021. The registration date was allotted to them on 07.01.2021. On that date the de-facto complainant along with his wife and father-in-law gone to the Sub Registrar Office, Thiruporur along with documents. At that time, the petitioner, who was the Joint Sub-Registrar, verified the documents and informed that the prescribed fees is Rs.3,00,835/- and for that, document charges of Rs.25,000/- has been reduced and directed the de-facto complainant to pay a sum of Rs.2,75,835/-. Thereafter, on the same day, the de-facto complainant paid the amount vide Receipt No.206/2021. The receipt was handed over by one Prabhu/A2 and informed that they will send SMS after inspection of the property. Thereafter, no further information received. Since the de-facto complainant obtained housing loan from Bank of Baroda, the inspection to be conducted without



delay. Hence, on 03.02.2021, the de-facto complainant met Prabhu/A2 and enquired about the same. At that time, the said Prabhu gave his mobile number for confirming the registration date. On 05.02.2021, when the de-facto complainant contacted the said Prabhu, he was informed to come to the office of Sub Registrar on 09.02.2021. On 09.02.2021 at about 10.00 a.m., the de-facto complainant came to the office, at that time, it was informed that, on inspection it is seen that the property value is less and they have to pay an additional amount of Rs.83,720/-. The de-facto complainant approached the petitioner and enquired about the same but she also confirmed the same. When the de-facto complainant asked for reducing the amount, a demand of Rs.10,000/- was sought by the petitioner as bribe. Thereafter it was informed that the amount has been reduced to Rs.16,651/- and the said amount also to be paid. For release of documents, the petitioner had demanded Rs.10,000/- and Prabhu/A2 demanded Rs.1,000/-. The de-facto complainant not willing to pay the bribe amount, hence, lodged a complaint. The first respondent on registration of F.I.R. taken the service of two public servants, conducted pre-trap proceedings on 11.02.2021 at about 8.30 a.m. to 9.30 a.m. Thereafter at about 1.40 p.m. trap team had gone to the office of the petitioner and on the instructions of the petitioner, the trap amount of Rs.10,000/- was paid to one



Naveen Kumar/A3, who was outsider, present in the office. After getting pre-trap signal, the said Naveen Kumar was apprehended and amount was recovered. During enquiry, he admitted that on the directions of the petitioner, the trap amount has been received. The trap amount of Rs.1,000/- received by Prabhu was handed over to one Selvam/A4, Data Entry Operator, who had taken the same and left the office. Thereafter, trap proceedings were conducted, which confirmed the same. Thereafter, the accused persons were arrested and investigation is in progress.

3. The contention of the petitioner is that the petitioner is not an administrative head of the Sub-Registrar office. It is one Banumathy, who is the administrative head of the Sub-Registrar office. The petitioner is only a Joint Sub-Registrar. An additional demand for stamp charges was made on 13.01.2021 by the Sub-Registrar-Banumathy and not by the petitioner. It is only the said Banumathy, who has to release the document. The petitioner, who is hailing from deprived community, had some issues with the said Banumathy. Hence, the petitioner has been falsely implicated in this case. Admittedly, the petitioner had not received any bribe amount and the bribe amount was received by one Naveen Kumar. If a third person, who is



unknown to the office is found within the premises of the office like Naveen Kumar, it is for the Sub-Registrar/Banumathy to explain and not the petitioner. Further, the additional amount of Rs.16,651/- was already paid by the de-facto complainant and the petitioner has no reason to make any such demand. Hence, praying for allowing this petition.

4. Learned Government Advocate (Crl. Side) submitted that in the complaint, the name of the petitioner/A1 as well as Prabhu/A2 had been clearly mentioned. Thereafter, discrete enquiry confirmed the antecedents of the petitioner. Thereafter F.I.R. Registered, service of official witnesses were sought, pre-trap proceedings conducted and thereafter trap was laid. The petitioner conveniently directed the de-facto complainant to pay the amount to one Naveen Kumar. Further, she was watching from the computer room, whether the amount has been paid to Naveen Kumar. It is only on the directions of the petitioner, the amount has been paid. During the trap proceedings, the said Banumathy was not present. Later she came to the office. Thereafter, the arrest of the petitioner and others were intimated to the said Banumathy. As regards the petitioner's complaint about the said Banumathy, the same will be considered during investigation. If any tangible



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materials found, appropriate action will be taken against all concerned. Now investigation is in progress, which is at the crucial stage. Further the trap has been successfully completed. Phenolphthalein test confirmed the trap, *prima-facie* materials are there. Hence, this petition cannot be entertained. The investigation would be conducted in a fair manner against all concerned.

5. Considering the submissions and on a perusal of materials, it is seen that it is a case of trap. The trap has been successfully laid. Phenolphthalein test confirmed the same. Investigation is at the crucial stage. At this stage, this petition cannot be entertained. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

19.09.2022

Index: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
CC-II, V & AC,



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Chennai.

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2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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