



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:26/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.18453 of 2019

and

Crl.MP(MD)No.10832 of 2019

Marimuthu : Petitioner/A10

Vs.

1.State represented by its
The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli.
(Crime No.15 of 2019) : R1/Complainant

2.Ponnusamy : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Crime No.15 of 2019 on the file of the 1st respondent and quash the same.

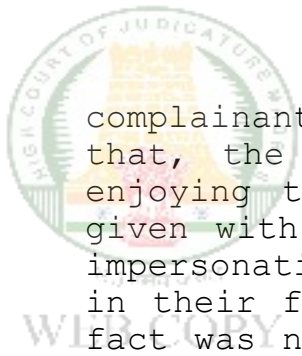
For Petitioner : Mr.C.Susi Kumar
For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)
For 2nd Respondent : Mr.S.Velrajan

O R D E R

The petition has been filed seeking quashment of the case in Crime No.15 of 2019 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

The property in Survey No.503 measuring 3.78 acres situated in Kulavanigarapuram, Melapalayam, Tirunelveli District belongs to the de-facto complainant ancestrally. By way of partition deed, dated 19/01/1976, the great grand-father of the de-facto complainant was allotted with the property. In 1986, a portion of the above said property was acquired by the Government under the Land Ceiling Act. After the death of the forefathers, the father of the de-facto



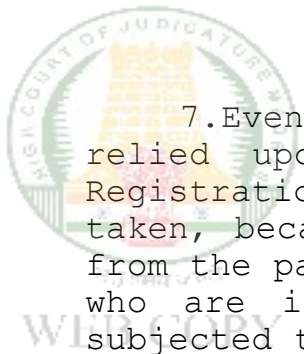
complainant was in possession and he died some 22 years back. After that, the de-facto complainant and his brothers and sisters are enjoying the property. In the meantime, A1 to A6, who have not given with the above said property, created fraudulent document by impersonation and forged the signature of his father and transferred in their favour through a registered deed, dated 22/06/2017. This fact was not known to the 7th accused, who is the Sub Registrar of Melapalayam Sub Register Office. He registered the document. Later, on 05/09/2018, a rectification deed was registered by this petitioner. So it appears that on the basis of the complaint given by the de-facto complainant, a case in Crime No.15 of 2019 was registered for the offences under sections 420, 120(b), 465, 467, 468 and 471 IPC.

3. Seeking quashment of the same, this petition has been filed by this petitioner, who is working as Sub Registrar at the relevant time, who registered the rectification deed, on 05/09/2018 on the ground that he was not at all involved in the above said fraudulent transaction, that alleged to have been taken place, on 22/06/2017 and he only registered the rectification deed and absolutely, there is no criminal liability fastened upon him and no criminal conspiracy alleged against him.

4. Heard both sides.

5. From the service records of the petitioner, it is seen that he was working as Sub Registrar No.II, during the relevant point of time, when the rectification deed was registered, on 05/09/2018. The rectification deed is enclosed in the typed set of papers. Reading of the rectification deed shows that instead of mentioning Survey No.503/2, it has been wrongly mentioned as Survey No.503/3CI and this property is claimed by the de-facto complainant as his ancestral property. It further reads that a wrong sub division has been mentioned in the rectification deed as Survey No.503/CIA1. It is also seen that in respect of some other properties also, the very same mistake has been committed during the course of registration of the main document.

6. Now it is the case of the de-facto complainant that the main deed, dated 22/06/2017 is a forged document by impersonation. Whether, it is forged document or not is a matter for investigation. But so far as the rectification deed is concerned, for the purpose of showing the identity of the parties, Aadhar cards were also enclosed, wherein we find that the Aadhar cards mentioned in the original document tallies with the original rectification deed. Beyond that, whether the main sale deed was a forged document or not, the petitioner may not aware. Except stating that he has registered the rectification deed, no allegation of criminal conspiracy has been made.



7. Even though, the learned counsel appearing for the petitioner relied upon the circular issued by the Inspector General of Registration, in case of impersonation, a serious view must be taken, because it is the duty of every one concerned that starting from the parties upto the registration of the document, the persons, who are involved in the above said episode must be thoroughly subjected to the investigation. There cannot be any quarrel for this proposition of law. But at the same time, here the only alleged role that has been placed by the petitioner is registering the rectification deed.

8. As mentioned above, the identification document squarely tallies with the document along with the annexure in the rectification deed. So, I am of the considered view that no criminality can be attributed against this petitioner. So on that sole ground, this petition is liable to be allowed.

9. In the result, this criminal original petition is **allowed**. The impugned FIR in Crime No.15 of 2019 on the file of the first respondent is hereby quashed against the petitioner. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

1. The Inspector of Police,
City Crime Branch,
Tirunelveli City, Tirunelveli.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.OP(MD)No.18453 of 2019
26.04.2022

TP(CO)GC(13.06.2022) 3P 3C

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