



CrI.O.P.No.18531 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.18531 of 2021

and

CrI.M.P.Nos.10207 & 10208 of 2021

K.Balamurugaprabakar

...
/vs/

Petitioner

1.State Rep. By
the Inspector of Police,
District Crime Branch,
Erode, Erode District.
(Crime.No.09/2019)

2.K.P.Saravanan

...

Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records relating in C.C.No.153 of 2021 on the file of the learned Judicial Magistrate No.II, Erode and quash the same by allowing this criminal original petition.

For Petitioner

...

Mr.M.Guruprasad

For Respondent
No.1

...

Mr.V.J.Priyadarsana
Government Advocate (crl.side)

For Respondent
No.2

...

Mr.V.R.Appaswamee



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ORDER

The criminal original petition has been filed to call for the records relating in C.C.No.153 of 2021 on the file of the learned Judicial Magistrate No.II, Erode and quash the same by allowing this criminal original petition.

2.The learned counsel for the petitioner submitted that the petitioner is the 7th accused in C.C.No.153 of 2021 on the file of the Judicial Magistrate No.II, Erode. He is the Sub Registrar and has registered the disputed sale deed vide document No.443/2017 on 07.03.2017. The charge levelled against the petitioner is, without obtaining life certificate of principal, he registered the power deed and the sale deed. With regard to the want of life certificate, the Registration Department issued a circular only in the year 2016. Therefore, it is only a dereliction of duty and there is no criminal element. Hence, seeking to quash the case against the petitioner.



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3.The learned Government Advocate (Crl.side) appearing for the first respondent as well as the learned counsel appearing for the second respondent/defacto complainant submitted that in this case, the trial has been commenced and PW1 has been examined on 13.02.2023 and also document has been marked.

4.Heard the learned counsel appearing for the second respondent.

5.I have considered the matter in the light of the submissions made by the learned counsel appearing for the parties and perused the materials available on record.

6.On perusal of the records, it is seen that in pursuance of the complaint given by the second respondent/defacto complainant, the respondent police registered a case in crime No.9 of 2019. After investigation, the respondent police filed a charge sheet against the accused persons for the offences punishable under Sections 120 B, 420,



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467, 468, 109 and 506(i) IPC, in which, the petitioner is the 7th accused,

he is a Sub-Registrar working at Thookanaikkanpalayam. The charge levelled against the petitioner is that he had registered the alleged forged sale deed vide document No.443 / 2017 on 07.03.2017 without obtaining the life certificate of the principal. Further, it is noticed that the registration department had issued a circular No.47576/C1/2016 dated 21.12.2016 and this Court also instructed by its order dated 02.09.2016 for obtaining life certificate before registering the document. According to the prosecution, the petitioner conspired with the accused persons had registered the sale deed as well as power of attorney without the life certificate. Further, the trial is now commenced. Under these circumstances, the action of sub registrar i.e., dereliction of duty or conspiracy with the other accused in registering the document, is a factual dispute which has to be adjudicated after letting evidence and it is inappropriate to quash the criminal proceedings at the initial stage. Therefore, I find no merit in this criminal original petition.



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In the result, the criminal original petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

Index : Yes/No

12.07.2023

Internet : Yes/No

sms

To

- 1.The Inspector of Police,
District Crime Branch,
Erode, Erode District.
(Crime.No.09/2019)
- 2.The learned Judicial Magistrate No.II,
Erode.
- 3.The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM,J.



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