



Crl.O.P.(MD) No.13044 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 31.10.2022

PRONOUNCED ON : 11.08.2023

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P(MD)No.13044 of 2021

and

CrI.M.P.(MD)No.6702 of 2021 and 10716 of 2022

Usha Rani

... Petitioner/Accused No.13

-VS-

**1.The Inspector General of Police,
CBCID, Chennai.**

**2.The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.586 of 2021)**

... 1st Respondent/Complainant

3.Uma Maheshwari

**... 2nd Respondent/De-facto
Complainant**

(Respondent No.1 is *suo motu* impleaded vide order of this Court, dated 11.08.2023 and the original Respondents are re-arranged accordingly)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,

1/16



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praying to call for the records relating to the FIR in Crime No.586 of 2021 on the file of the 1st Respondent Police (now ranked as second Respondent) and quash the same as illegal in so far as the Petitioner is concerned.

For Petitioner	: Mr.M.Ajmal Khan Senior Advocate for Mr.R.Gandhi
For R1 & 2	: Mr.R.Meenakshisundaram Additional Public Prosecutor
For R3	: Mr.Henri Tiphane for Mr.R.Karunanidhi

ORDER

This Criminal Original Petition had been filed to call for the records relating to the FIR in Crime No.586 of 2021 on the file of the second Respondent Police and quash the same as illegal in so far as the Petitioner is concerned.

2.The learned Senior Counsel Thiru.M.Ajmal Khan appearing for the Petitioner submitted his arguments. As per the submission of the learned Senior Counsel for the Petitioner, totally there are 15 Accused in Crime No. 586 of 2021 on the file of the second Respondent Police/Inspector of Police,



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Andipatti Police Station, Theni District. The third Respondent/Complainant had given a complaint as though she was approached by one Sundarapandi who was introduced by one Vairam @ Raja for sale of properties. At that time, the *De-facto Complainant*/third Respondent wanted to purchase the property. Therefore, she had parted Rs.20,00,000/- with the said Vairam @ Raja and his accomplices. They had produced a patta to the third Respondent. When the third Respondent verified it, the patta was found to be belonging to Tamil Nadu Housing Board. Since the third Respondent suspected foul play, she preferred a complaint with the Theni Police. Accordingly, FIR in Crime No.586 of 2021 was registered for the offences under 120B, 406, 409, 420, 465, 468, 471 and 506(1) of IPC. In this case, FIR was registered based on the complaint of the third Respondent with the learned Judicial Magistrate, Andipatti. Based on the direction of the learned Judicial Magistrate, Andipatti, under Section 156(3) of Cr.P.C., FIR was registered. As per the complaint of the third Respondent, she was running grocery shop in the front portion of the house of one Sundarapandi, who used to supply grocery to the third Respondent, introduced her to Vairam @ Raja stating that he will be able to purchase properties for her for reasonable price and also to get her patta for the property purchased. Accordingly, she



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had parted the amount of Rs.20,00,000/- and Rs.3,20,000/- with the said Vairam @ Raja for getting patta.

3.The first Accused Vairam @ Raja had obtained her patta for 1.92 acres. The third Respondent/*De-facto Complainant* visited the Collector Office to verify the patta as to whether it is *bona fide* or not. Accused Nos.3 and 4, who are the Computer Operators, are alleged to have colluded with the Accused Nos.1 and 2. They had granted computer generated patta. Later on, the third Respondent came to know that the patta was a forged one. The Accused No.5 to 7 helped the Accused 1 to 4 to convene a Katta Panchayat. In the Katta Panchayat, A-1 and A-2 are alleged to have executed a promissory note for the amount received. Thereafter, A-1 and A-2 refused to return the amount. The second Accused is the wife of first Accused. When the third Respondent contacted Accused Nos.1 and 2 several times for refund of the amount, they evaded. Therefore, the third Respondent went to the house of Accused Nos.1 and 2. At that time, A-1 was not available. The second Accused was there and she refused to part with the amount. Therefore, she lodged a complaint with the Chinnamanur Police under whose jurisdiction she was residing. The Sub Inspector of Police,



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Chinnamanur Police Station, came to the house of the Accused Nos.1 and A-2 and took the Petitioner and her parents to Chinnamanur Police Station.

There they had executed a letter as though first Accused undertakes to give Rs.10,00,000/- on 21.09.2019. The representation of the Petitioner to the Sub Inspector of Police, Chinnamanur Police Station that there is similar case pending against first Respondent with Andipatti Police in Crime No. 166 of 2019, he did not accept it and he was pressurising the second Respondent to go for an amicable settlement with first Accused. Accused No.5 to 7 are alleged to have colluded with Accused Nos.1 and 2 and issued patta and received Rs.5.9 lakhs from the third Respondent. On 16.09.2019 Accused Nos.5 to 7, on the strength of forged patta, executed settlement deed in favour of her mother, presented the same before the Sub Registrar who is arrayed as Accused No.13. Accused No.13 is the Petitioner herein. A-13 received the document and kept it pending since patta was in favour of the Slum Clearance Board as to obtaining No Objection Certificate from the Slum Clearance Board. Thereafter A-2 and A-3 represented to third Respondent stating that Sub Registrar is not registering and amount is to be given to Sub Registrar and then to District Revenue Officer. The third Respondent is alleged to have paid the amount and A-1 to A-7 received the



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same. The complaint was preferred by third Respondent to the learned Judicial Magistrate, Andipatti. The learned Judicial Magistrate, Andipatti, after examining the complainant and other witnesses had directed registration of FIR based on which FIR in Crime No.586 of 2021 was registered before the Andipatti Police Station for offences under Sections 406, 420, 465, 468, 461, 120-B and 506(i) of IPC.

4.The learned Senior Counsel for the Petitioner invited the attention of this Court to the circular in letter No.18339/C1/2012, dated 25.04.2012 from the Inspector General of Registration to all the Registering Officials. As per the circular, the Petitioner herein as Sub Registrar had kept the deed pending to verify with the Slum Clearance Board. The learned Senior Counsel for the Petitioner invited the attention of this Court to the copy of the No Objection Certificate furnished in the typed set of papers furnished by the Petitioner. Also to the copy of the letter from the Executive Engineer, Tamil Nadu Slum Clearance Board responding to the No Objection Certificate. The letter seeks details of the party who had approached the Sub Registrar for registration of the document belonging to the Tamil Nadu Slum Clearance Board. The Petitioner herein had addressed



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the Executive Engineer, Tamil Nadu Slum Clearance Board regarding No Objection Certificate issued to the third Respondent. Based on the response from the Petitioner (A-13), the Executive Engineer, Tamil Nadu Slum Clearance Board had stated that No Objection Certificate was not issued to any one and also stated that action to be initiated against the persons who had sought registration of the document regarding the property of the Tamil Nadu Slum Clearance Board. Based on the report of the Executive Engineer, Tamil Nadu Slum Clearance Board, the Petitioner herein as Sub Registrar had refused to register the document. Only with the fabricated patta produced by the Second Respondent before the Petitioner/A-13, A-13 as Sub Registrar is duty bound to hold enquiry regarding the details of the property, as per the Circular issued by the Inspector General of Registration (copy of the same is found in the additional typed set of papers). The Petitioner as Sub Registrar had kept pending the document brought for registration. But the learned Senior Counsel for the Petitioner further submitted that the Petitioner was coerced and threatened by one Ganesan a Lawyer not to refuse registration and what are all documents brought before her should be registered. The reply by the Petitioner to the said Ganesan that there is a circular by the Inspector General of Registration only based



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on which registration is carried out was not heeded to by him since he threatened the Petitioner who had informed her husband working as a Professor in Madurai. He had gone to the Sub Registrar Office here on the request of the Sub Registrar/Petitioner herein where the said Ganesan is alleged to have attacked Dinesh/husband of the Petitioner in the office of the Sub Registrar. Therefore, he was admitted to hospital. From where the complaint was sent to the Police and based on which, the Andipatti Police had registered a case in Crime No.897/2020 for the offences under Sections 294(b), 324, 354, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. The said Ganesan had implicated the Sub Registrar. Therefore, it is a sheer abuse of process of law. One Mithun Sakravarthy, who is a practicing Advocate filed Public Interest Litigation in W.P.(MD) No.2253 of 2015 which was dismissed by the then Division Bench dated 03.09.2016 imposing cost. The said Advocate also filed another case in W.P.No.14335 of 2016 against the officials of the Education Department which was also dismissed. The said Mithun Chakravarthi had also filed another W.P.No.2739 of 2020 which was allowed against the District Collector, Theni and Assistant Director, Geology and Mining Department, Theni, dated 21.09.2020.



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5.The learned Senior Counsel invited the attention of this Court to the cases filed by one Mithun Chackravarthi against the officials of Forest Department, Education, Panchayat and Revenue and cases registered against the Mithun Chakravarthi. Copy of the complaint of his relative that the Mithun Chakravarthi and his parents attempted to grab the property of his aunt. Based on which FIR has been registered. It is the contention of the learned Senior Counsel for the Petitioner that the said Mithun Chakravarthi and one Ganesan are behind the implication of the Petitioner for the work she had done as per the Circular of the Inspector General of Registration. Therefore, he seeks to quash the FIR in Crime No.586 of 2021 on the file of the second Respondent Police.

6.The learned Senior Counsel for the third Respondent Mr.Henri Tiphane submitted that the Accused 13 in Crime No.586 of 2021/Petitioner herein had not obtained anticipatory bail till date. The case is pending at FIR stage. The learned Counsel for the third Respondent/Complainant Mr.Henri Tiphane read over the FIR in Crime No.586 of 2021 in which it is clearly stated the overt act of each of the officials found in the array of the



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Accused No.1 to 15 in which the Petitioner herein is A-13. She had demanded money for registration of the document. She had addressed the Tamil Nadu Slum Clearance Board whereas the property belong to Housing Board. Her husband was found in the Sub Registrar's Office all the time. Therefore, she had connived with the other Accused. Therefore, the learned Counsel for the third Respondent vehemently objected to the submission of the learned Senior Counsel for Petitioner.

7.The learned Additional Public Prosecutor appearing for the Respondents 1 and 2 vehemently objected to the line of arguments made by the learned Senior Counsel appearing for the Petitioner seeking to quash the FIR in Crime No.586 of 2021 on the file of the second Respondent Police. He further submitted that as per the submission made by the Petitioner in the Writ Petition before the Division Bench persons working in various departments are involved in the alleged offences. Therefore, the Division Bench had ordered registration of the case and investigation. Based on which, investigation had been conducted. In the preliminary stage of the investigation the part played by the Petitioner had been considered and she was arrayed as A-13. On completion of investigation, if there are no



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materials incriminating the Petitioner, the Investigation Officer himself/herself will drop the name of A-13. Further, the learned Additional Public Prosecutor submitted that as per the reported ruling of the Hon'ble Supreme Court in **1992 Supp (1) SCC 335:1992 SCC (cri) 426** in the case of **State of Haryana Vs. Bhajanlal**, guidelines had been issued to the High Courts that the extraordinary powers of the High Courts under Section 482 of CrI.R.C. shall not be exercised leniently. The case of the Petitioner attracts the same. Therefore, this is not a fit case for quashing the FIR against A-13. Therefore, the arguments of the learned Senior Counsel appearing for the Petitioner cannot at all be considered and the extraordinary power of the High Court cannot be used leniently. This petition lacks merits and is to be dismissed.

8.Point for consideration:

Whether the FIR in Crime No.586 of 2021 on the file of the second Respondent Police is to be quashed in so far as the Petitioner is concerned?

9.On consideration of the submission of the learned Senior Counsel for the Petitioner, learned Additional Public Prosecutor for the Respondents 1 and 2 and the learned Counsel for the third Respondent, the typed set of



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papers furnished by the learned Senior Counsel for the Petitioner and the FIR in Crime No.586 of 2021, there is no specific overt act against the Petitioner as Sub Registrar demanded money. She had refused to register patta alleged to have been issued to the third Respondent by the third Accused. The Accused 5 to 7 only had prevailed upon the third Respondent that Accused No.13 as Sub Registrar demanded money. Whether she had demanded money or not, the Complainant was not aware but on that pretext the Accused 1 to 7 had obtained money from the third Respondent for registration. Considering the fact that the learned Counsel for the third Respondent vehemently objected that she had been placed under suspension based on the order passed by the Division Bench. As far as this Court is concerned, there is no specific overt act against the Accused No.13 that she demanded money from the third Respondent. There is an FIR based on the Complaint of the husband of this Petitioner as against one Ganesan, Advocate threatened the Petitioner to register document without rejecting the same. The learned Senior Counsel for the Petitioner relied on the circular based on which this Petitioner had kept pending the document presented for registration that it may be Government property. On her query, the Department concerned had answered the query properly by the



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Executive Engineer of the Tamil Nadu Housing Board. Therefore, she did not register it. Under those circumstances, the circular of Inspector General of Registration was followed by the Petitioner herein which circumstances was exploited by the land grabbers/Accused herein in Crime No.586 of 2021. Therefore, the contention of the learned Counsel for the Complainant objecting to quash the complaint against the A-13/Sub Registrar is found unacceptable and hence, rejected.

10.The Inspector General of Police, CB-CID, Chennai, is *suo motu* impleaded in this case as proper and necessary party.

11.In the light of the above discussion, the **point for consideration** is answered in favour of the Petitioner and against the Respondents. The FIR in Crime No.586 of 2021 is to be quashed in respect of this Petitioner only.

In the result, **this Criminal Original petition is allowed.** The F.I.R. in Crime No.586 of 2021 is to be quashed in respect of this Petitioner only. Consequently, the connected miscellaneous petitions are closed.

The Inspector General of Police, CBCID, Chennai is directed to conduct an exhaustive investigation by appointing a Senior Officer not below the rank of Additional Superintendent of Police or Deputy Superintendent of Police who is experienced in conducting investigation of



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offences attracting white collar crimes, particularly, land grabbing cases involving fraudulent documents and the Inspector General of Police, CBCID himself/herself shall supervise the investigation as the subject matter involved in this case is a Government property being sold to gullible public through the Accused Nos.1 and 2 and other connected people who are employed in various Government Departments including the Superintendent of Police who is arrayed as A-14 and A-15 and also to collect similar FIR pending with various police stations involving land grabbing including the lands belonging to private individuals who are not aware of their land being sold fictitiously using forged document for which patta being granted by the officials of the Revenue Department in connivance with A-1 and A-2. Therefore, the Inspector General of Police, CBCID is directed to take over all the investigation and conduct thorough investigation across the State. Also the Complainants are to be given protection from being threatened by such individuals.

11.08.2023

Index: Yes/No
Internet: Yes/No
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To

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- 1.The Inspector General of Police,
CBCID, Chennai.
- 2.The Inspector of Police,
Andipatti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr/aav/srm

Pre-Delivery Order made in
CRL.O.P(MD)No.13044 of 2021

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