



Crl.R.C.No.456 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.456 of 2024

and

Crl.MP.No.4424 of 2024

Challappan

... Petitioner

Vs.

The Inspector of Police,
Veeranam Police Station,
Salem City.
Crime No.163 of 2013

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 of Criminal Procedure Code, to set aside the order dated 07.02.2023 passed in Crl.M.P.No.3710 of 2018 in C.C.No.185 of 2016 on the file of the Judicial Magistrate No.IV, Salem.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.S.Raja Kumar
Additional Public PRosecutor



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ORDER

The petitioner/A10 in C.C.No.185 of 2016 filed a discharge petition in Crl.MP.No.3710 of 2018 which was dismissed by the Trial Court by order dated 07.02.2023. Against which, the present revision petition is filed.

2.The contention of the learned counsel for the petitioner is that the petitioner is only a Sub-Registrar at the relevant point of time who registered sale deed produced by A6 and A7 in favour of A8 and A9 vide Document Nos.502/2013 and 503/2013 on 29.01.2013. The case projected against the petitioner is that the property was earlier purchased by the defacto complainant's wife Muthulakshmi on 14.07.2010 who executed a Power of Attorney in favour of Gnanavel, son of Venkatachalam, who executed a sale deed in favour of Masilamani vide Document No.3583/2010. The contention of the petitioner is that as Sub-Registrar he has no locus to find out the title of the property which is the subject matter of the document presented for registration. In the office records, it is found that the first accused have purchased the property comprised in S.No.127/7A to an extent of 1 acre from one Chinnathayammal through a sale deed dated 21.11.1981



registered as Document No.3820/1981, based on which joint patta was also issued. The undivided property comprised in S.No.127/7 is of 3.19 acres, of which 1 acre belongs to A1 and rest of the property to an extent of 2.19 acres stands in the name of Selvaraj which was divided and separate patta was issued in Patta No.378. The said Muthulakshmi, wife of the defacto complainant purchased 0.08 cents from A1 vide Document No.975/1994 and thereafter, the defacto complainant has no title over the said property. Hence the defacto complainant filing the complaint itself is not correct which the Trial Court failed to consider.

3.The learned Additional Public Prosecutor submitted that on the complaint of one Thangaraj, a case was registered, investigation completed and A1 to A10 were arrayed as accused. A1 and A2, husband and wife, A3 to A5 are sons and daughter of A1 and A2, A6 and A7 are Power of Attorney to A1 to A5, who executed a document in favour of A8 and A9 without any title deeds. The petitioner as SRO is duty bound to peruse the document submitted before him including the encumbrance certificate issued by the Registration Department wherein the earlier sale of the year 2010 is reflected, despite the same in the year 2013 he admitted the disputed



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document which is found to be with false particulars and forged documents.

He further submitted that the points raised by the petitioner are factual in nature which has to be decided only during trial.

4.Considering the submissions made and on perusal of the materials, it is seen that the Trial Court had passed a well reasoned order and this Court is not inclined to interfere with the order passed by the Trial Court. Further, the observations made in this order are only for the limited purpose of disposing of this revision petition and the petitioner can raise all these points during trial.

5.Accordingly, the Criminal Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

13.03.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

cse



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To

- 1.The Inspector of Police,
Veeranam Police Station,
Salem City.
- 2.The Judicial Magistrate No.IV,
Salem.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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