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CrI.O.P.No.20729 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.20729 of 2024

and

CrI.M.P.Nos.11910 & 11911 of 2024

T.K.Raja

... Petitioner

Vs.

1.State Rep.by
The Sub Inspector of Police,
Central Crime Branch, EDF-I, Team-II,
Vepery, Chennai-600 007.

2.S.Vaidehi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to call for the records culminating in impugned C.C.No.858 of 2022 pending on the file of CCB & CBCID Special Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioner : Mr.N.Nagarjuna

For R1 : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

The petitioner herein, who is the 7th accused in C.C.No.858 of 2022, on the file of the CCB & CBCID Special Metropolitan Magistrate, Egmore, Chennai, was the Sub Registrar, Triplicane Sub Registrar Office



CrI.O.P.No.20729 of 2024

during the year 2003 and facilitated registration of property which belongs to Parthasarathy temple, in the name of the third party. Having found that the temple property been alienated by fraudulent means, complaint been lodged against one Prema, Rajendran, Balaji, Loganathan, Vetrivelan, Giridharan, Raja and Durga. The petitioner herein relying upon the order passed by this Court in CrI.O.P.No.21000 of 2022 dated 15.02.2024 filed by the Giridharan / 6th accused, has filed the present petition to quash the complaint against him.

2. The learned counsel appearing for the petitioner seeks parity and prayed for quash of the complaint against him. The contention of the learned counsel for the petitioner is that when the document in favour of Prema and her son Rajendran, property which actually belongs to Parthasarathy temple under the control of HR & CE Department been transferred by the accused persons to one Vaidegi/the defacto complainant. When the defacto complainant attempted to demolish the house to put up a construction, after availing loan from the bank, the fact came to light and the commissioner of HR & CE department had sealed the premises. Specific allegations in the complaint is that the Survey No.2470/1, which is the property of Parthasarathy temple been alienated



Crl.O.P.No.20729 of 2024

by correcting the Survey No.2470/5 and sold by the accused to the defacto complainant. In this fraudulent attempt, the petitioner been the party to the proceedings, since the document in favour of Prema W/o.Parthasarathy was created on 16.07.2003 and registered as document No.953 of 2003 dated 16.07.2003., when the present petitioner was the Sub Registrar of the Triplicane Sub Registrar Office.

3. The learned counsel appearing for the petitioner needs frivolous attempt to recover the documents and witness to impress upon the Court that when the petitioner was in-charge of SRO while registering the disputed settlement document in favour of Prema, there was no indication that the land belongs to temple.

4. However, the learned Government Advocate (Crl.Side) appearing for the respondent police submits that the manipulation of Survey Number and the connivance of the petitioner herein to create the document in the name of Prema has been established through the documents and evidence. Since the overt act has been clearly disclosed through the statement of witnesses and the documents collected during the course of investigation, it is not a case to quash without trial. Further,



Crl.O.P.No.20729 of 2024

the learned Government Advocate (Crl.Side) also submits that the petitioner is absconding and Non Bailable Warrant is pending against him.

5. The alteration of Survey Number from 2470/1 to 2470/5 been done within the knowledge of the petitioner herein and therefore, there cannot draw any parity with the case of Giridharan, who was the Sub Registrar of SRO, the petitioner who appears to have been preview to the crime. Hence cannot be exonerated by conducting mini trial under Section 482 Cr.P.C. Hence, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed. The respondent police is directed to secure the petitioner herein who is evading the process of law by filing frivolous petition.

28.08.2024

Neutral Citation : Yes/No
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To

1.The CCB & CBCID Special Metropolitan Magistrate, Egmore,
Chennai

2.The Sub Inspector of Police,



CrI.O.P.No.20729 of 2024

Central Crime Branch, EDF-I, Team-II,
Vepery, Chennai-600 007.

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3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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CrI.O.P.No.20729 of 2024

CrI.O.P.No.20729 of 2024

28.08.2024