



WEB COPY



CrI.O.P.(MD) No.3820 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.3820 of 2024

and

CRL.M.P (MD) No.3026 of 2024

Moscow,

... Petitioner

Vs

1. The Sub Inspector of Police,
Pattukkottai Police Station
Thanjavur District.
Crime No.1551/2022.

2. Subburaj,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records FIR in Crime No.1551/2022 dated 31.12.2022 on the file of first respondent and quash the same as illegal and abuse of process of law.



Crl.O.P.(MD) No.3820 of 2024

For Petitioner : Mr.Thiyaga Rajan

Senior Counsel

For S.Karunakar

For R1 : Mr.M.Sakthi Kumar

Government Advocate (Crl. side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.1551/2022 dated 31.12.2022 on the file of first respondent.

2.The learned Senior Counsel appearing for the Petitioner submitted that the petitioner is the fifth accused in this case. He referred to the orders passed by the District Registrar, who cancelled the document and submitted that the Sub Registrar has also in the same footing as that of the petitioner. However, the District Registrar has seized the role of the Sub Registrar that he has no competence to look into the documents to be registered. However, he has given a finding to the effect that it is a fabricated document. The investigation agency proceeded on the report of the District Registrar and registered a case against the accused, however, not proceeded against the Sub Registrar.



Crl.O.P.(MD) No.3820 of 2024

WEB COPY

3.The learned Senior Counsel also pointed out that the orders of the District Registrar finding fault with the document, which has been stayed in the petition in W.P(MD)No.26513 of 2022.

4.The learned Government Advocate (Crl.Side) submits that it is a matter for investigation.

5.This Court considered the submission of the learned Senior Counsel and also perused the materials placed on record.

6.It is not correct that the respondent police has not registered a case against the Sub Registrar. The Sub Registrar before registering a document ought to have ascertained the encumbrance certificate. Here, the Sub Registrar failed to verify the encumbrance and has proceeded further. The District Registrar has passed the order in order to help his colleague. On this ground, the respondent police is not supposed to add the Sub Registrar as an accused. The investigation has to be conducted on the role of the Sub Registrar as to whether he has intentionally made the mistake or not.



CrI.O.P.(MD) No.3820 of 2024

WEB COPY

6.The case is pending at the stage of investigation. The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8.Therefore, this petition is dismissed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the



Crl.O.P.(MD) No.3820 of 2024

investigation within a period of six months either by filing final report or with a closure report. The petitioner is at liberty to challenge the final report if any filed against him, in the manner known to law. Consequently, the connected miscellaneous petition is closed.

12.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

LR

To
1. The Sub Inspector of Police,
Pattukkottai Police Station
Thanjavur District.

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



WEB COPY



Crl.O.P.(MD) No.3820 of 2024

B.PUGALENDHI, J.

LR

CRL.O.P (MD) No.3820 of 2024

12.04.2024