



Crl.O.P.(MD)No.8478 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.8478 of 2022

and

Crl.MP(MD)No.5749 of 2022

Ramamoorthy

... Petitioner/Accused No.3

Vs.

1.The State Rep by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.21 of 2021)

... 1st Respondent/Complainant

2.Belavendran

... 2nd Respondent/Defacto Complainant

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.848 of 2021 on the file of the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District in Crime No.21 of 2021 on the file of the Inspector of Police, District Crime Branch, Tirunelveli District and quash the same in respect of the petitioner as devoid of merits and illegal.

For Petitioner : Mr.S.Palani Velayutham

For R1 : Mr.P.Kottaichamy
Government Advocate (Crl.Side)



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ORDER

WEB COPY This petition has been filed seeking quashment of proceedings in C.C.No.848 of 2021 on the file of the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District.

2.The petitioner is working as Sub-Registrar, Panakudi, attached to the Registration Department. He was implicated as a accused in Crime No.21 of 2021 for the offences under Sections 408, 420, 294(b) & 506(2) of IPC. After completion of investigation, the Law Enforcing Agency filed Charge Sheet before the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District and the same was taken on file in C.C.No.848 of 2021. Challenging the same, this petition has been filed.

3.The learned counsel for the petitioner would submit that even as per the prosecution case, the defacto complainant is the owner of the properties comprised in S.Nos.1747/1, 1736/1, 1733/1B, 1733/2A, 1739/1, 1733/2B and 1731/2A. For the need of Rs.40 lakhs for his business development, he approached one Selvakumar. He introduced A3 & A4. They also introduced A2. A2 agreed to pay the amount of Rs.40 lakhs for interest at the rate of 2%. Based on the same, for the security purpose, the defacto complainant executed a power



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of attorney on 07.07.2021 vide D.No.2431/2021 in favour of A1 as per the instruction of A3 & A4 in respect of the above said properties. Thereafter, A2 given a cheque to the defacto complainant to the tune of Rs.37 lakhs. When the defacto complainant presented the same for collection before the TMB Bank, T.Kallikulam, A3 & A4 contacted the defacto complainant and requested him to not to present the said cheque since they would be paid the amount as cash. However, they have not paid the amount, on 12.07.2021, the defacto complainant approached the Sub Registrar, Panakudi for cancellation of power of attorney. However, prior to that, on 08.07.2021, A1 executed a sale deed in favour of A5 by receiving the amount of Rs.1 lakhs as advance and agreed to receive the balance amount within a period of 3 years. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

4. He would further submit that the petitioner's name was not found in the FIR. Even as per the FIR as well as the Charge Sheet, there is no specific allegation against the petitioner. Admittedly, the petitioner is the Sub Registrar and he did his official duty only as per the rules and regulations of Registration and Instruction of Inspector General of Registration, Chennai. Further, if any dereliction of duty on the part of the petitioner in discharging his duty, it does not warrant any criminal prosecution as per the settled provision of law. If any



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dereliction of duty is noticed, it is always open to the departmental proceedings.

Hence, the Charge Sheet filed by the Law Enforcing Agency against the petitioner is not sustainable one and the same is liable to be quashed.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the allegation made against the petitioner is that with the knowledge about the properties are joint properties belong to the defacto complainant and his brother, he made the deed registration in favour of A5 without considering the documents properly. By this act, the petitioner assisted the accused persons and violated the rules and regulations of Registration and Instruction of Inspector General of Registration, Chennai. Hence, he prayed for dismissal of this petition.

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

7.Even as per the FIR as well as the Charge Sheet, the entire allegations are made against only other accused persons not against the petitioner. The petitioner performed his official duty in terms of Registration Act and no allegation is made against him. Even then, the Law Enforcing Agency filed the charge sheet against the petitioner is not sustainable one.



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8. Accordingly, the proceedings in C.C.No.848 of 2021 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli, Tirunelveli District, is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

28.02.2024

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

To

1. The Judicial Magistrate No.I,
Tirunelveli, Tirunelveli District.
- 2.The Inspector of Police,
District Crime Branch,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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