



W.P.(MD)No.16763 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16763 of 2022
and W.M.P.(MD)No.12150 of 2022

Sikkandar Banu

... Petitioner

Vs.

1.The Deputy Inspector General,
Registration Department,
Madurai Zone,
Madurai District.

2.The District Registrar (Administration),
Registration Department,
Madurai (North),
Madurai District.

3.Mr.Kamardeen

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the impugned order passed by the 1st respondent in Na.Ka.No.7107/A4/2022 dated 27.06.2022 and quash the same as illegal.



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For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.M.Siddarthan,
Addl. Govt. Pleader

Mr.K.Sudalaiyandi for R3

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records of the impugned order passed by the 1st respondent in Na.Ka.No.7107/A4/2022 dated 27.06.2022 and quash the same as illegal.

2. It is the case of the Writ Petitioner that the subject property has been purchased by the third respondent, who is the brother of the petitioner's husband. He has given a complaint to the Inspector of Police, Melur Police Station on the allegation that the petitioner and her husband impersonated his signature and executed a power of attorney. Based on the said power of attorney, the petitioner's husband sold the subject property to one Seetharaman. The said complaint was registered in Crime No.521 of 2009 under Section 420 of IPC. The third respondent has also filed a suit in O.S.No.217 of 2007 on the file of District



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Munsif Court, Melur against the petitioner and her husband for declaration and injunction, which was dismissed. As against the same, the petitioner filed A.S.No. 106 of 2016, on the file of the Subordinate Court, Melur, which was also dismissed for default. Since the petition in I.A.No.22 of 2019 in A.S.No.106 of 2016, to restore the appeal was also dismissed, the petitioner filed C.M.A.No.27 of 2021 on the file of VI Additional District Court, Madurai and the same is pending. While so, the third respondent has given a petition before the 2nd respondent seeking to initiate action under Section 82 of the Registration Act, 1908 and the same was allowed. As against the same, the petitioner filed an appeal before the first respondent. During the pendency of the appeal, the petitioner and the third respondent have entered into a compromise and filed CrI.O.P.(MD)No.2217 of 2022 before this Court to quash the FIR in Crime No.521 of 2007 on some terms. Recording the said compromise, this Court by order dated 03.02.2022, quashed the FIR in Crime No.521 of 2007. However, the 1st respondent vide impugned order dated 27.06.2022, dismissed the appeal and confirmed the order passed by the 2nd respondent. Challenging the same, the petitioner has filed this Writ Petition.

3. It is the main contention of the learned counsel for the petitioner that the person, who has committed forgery, viz., the husband of the petitioner is no



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more and the petitioner is not a party to the document viz., the power of attorney.

Therefore, the prosecution will not serve any purpose in this case and hence, the impugned order is liable to be set aside.

4.The learned counsel appearing for the third respondent would submit that the matter has already been compromised and the title of the subject property has been restored.

5. Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the fact that since the civil and criminal case already lodged in this regard have been entered into compromise and title has been restored to the third respondent, now once again, directing the prosecution on the same set of documents does not serve any purpose, particularly, when the alleged impersonator has already been died. The petitioner is not a party to the said document and she has only a recipient of the power of attorney and therefore, she was no way connected with the said crime.



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6. In such view of the matter the impugned order dated 27.06.2022 is quashed and the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.08.2024

NCC : Yes/No
Index : Yes/No
vsm

To

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Madurai District.
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