



Crl.O.P.(MD)No.22279 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22279 of 2024
and Crl.M.P(MD) No.13894 of 2024

1. S.Jeyakumar

2. Anita

... Petitioners/Accused

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
City Crime Branch,
Madurai City,
Madurai. (Cr. No. 53/2024).

2. Ragunath

... Respondents/Complainants

PRAYER: Petition filed under Section 582 of BNSS Act, 2023, to call for the records relating to FIR in Crime No.53/2024, dated 27.11.2024 on the file of the Inspector of Police, City Crime Branch, Madurai City, Madurai and quash the same as against the petitioners.

For Petitioners : Mr.R.Surya Narayanan

For Respondents : Mr.A.Thiruvadikumar (R1)

Additional Public Prosecutor

Mr.R.Gandhi, Senior Counsel (R2)



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ORDER

This Criminal Original Petition has been filed by the petitioners, who are arrayed as A2 and A3 for quash of FIR in Cr.No.53 of 2024.

2.(i).It is the case of the petitioners that they are innocent bona fide purchasers. A1, being the power of attorney of the defacto complainant, had executed eight sale deeds in favour of the petitioners for an extent of 32 cents on 25.08.2020, for which, the petitioners had also paid sale consideration. Therefore, they are the bonafide purchasers. Thereafter, the petitioners being Builder and Developer, after subdividing the said property, sold the same to several persons. They had also entered into an agreement for construction with the purchasers. This was happened in the year 2020. The petitioners are not aware about the further dispute between the power of attorney and the defacto complainant.

(ii).Only after a lapse of three years, a notice was received from the District Registrar Administration. Based on the complaint given



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by the defacto complainant, an inquiry was conducted and order was passed on 24.05.2023, by invoking the provision under section 77(A) of the Registration Act, 1908 (hereinafter referred to as 'the Act') cancelling the sale deeds, against which, the petitioners have filed a writ petition in W.P(MD) No. 13888 of 2023 and a direction was issued in favour of the petitioners.

(iii).Since Section 77(A) of the Act has been struck down thereafter, the further transaction of the property was again restrained by the District Registrar and hence, the petitioners had filed a petition in W.P(MD) No. 25084 of 2024 and this Court by order dated 22.10.2024 had quashed the restriction imposed by the District Registrar and permitted the petitioners to have transaction over the property. Therefore, the petitioners had continued their transactions in the property.

(iv).However, the defacto complainant had filed the present complaint primarily on the ground that the Life Certificates attached to the sale deeds are forged, wherein, the signature and seal of Dr.S.Antony



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Prince is said to have been forged.

(v).He further submitted that the concept of life certificate came into force only in the year 2018, since the Income Tax department had issued such a directive and that it is not a legal requirement as per the Registration Act. He further submitted that as per Sections 82 and 83 of the Act, it is for the Registrar, who has to lodge a complaint, on the finding that if any false particulars have been filed and it is not for the defacto complainant to invoke the provision under criminal law and file a complaint against the petitioners. When the Registration Authorities had allowed the petitioners to proceed with the transactions, filing of complaint and registration of FIR is not proper.

(vi).He further submitted that in this case all the transactions have been done through bank transactions and taking the complaint as a whole, there is no overt act against the petitioners, since the petitioners are the bona fide purchasers. They have been falsely roped in this case due to the crossfire between the Principal and the Power-agent of the petitioners. Hence, sought for quash of complaint.



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3.(i).Mr.R. Gandhi, learned Senior Counsel appearing on behalf of the second respondent/defacto complainant submitted that the contention of the petitioners has to be rejected on the face of it. He further submitted that the sale consideration has been paid by the petitioners in cash. The contention of the petitioners that the sale consideration was done through bank transaction is false.

(ii).The learned Senior Counsel further submitted the sale deeds, dated 25.08.2020, 14.03.2022 and 10.03.2023, for which, the Life Certificates, dated 24.08.2020, 10.03.2022 and 06.03.2023 issued by Dr.S.Antony Prince are forged.

(iii).During the inquiry, the District Registrar in Na.Ka.No. 1093, dated 24.05.2023 had examined the said Doctor, who had given the Life Certificates and had recorded that there is no Dr.S.Antony Prince, it is only Dr. Anton Prince Amalan. Further, the said Doctor in his explanation, dated 27.04.2023 submitted that the Life Certificate, dated 24.08.2020 itself is not given by him and he had not contacted the defacto complainant through video call. Further, he had written his



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name normally as Dr.Anton Prince Amalan. His designation, his signature and the seal is not matches with his original. Hence, this confirms the forgery committed by the petitioners in the Life Certificate not only once but also in the year 2020, 2022 and 2023. It would clearly prove that the petitioners are the kingpins in the entire transactions by creating the forged documents and submitted the same before the Registration Authorities. Hence, the petitioners cannot claim that they are innocent purchases. In all these documents, the power of attorney has been changed and it is only the petitioners, who have actively preparing the aforesaid forged documents.

(iv).The learned Senior Counsel further submitted that the respondent police have recently recorded the statement of the defacto complainant and the Dr. S. Anton Prince Amalan. The contention of the petitioners can be considered only at the time of trial not in the quash application.

4.The learned Additional Public Prosecutor further submitted that in this case investigation is only in the nascent stage. The



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alleged documents have been sent for Forensic Expert's opinion and only after the receipt of report, the role played by the petitioners and the amount of forgery committed by the petitioners would be revealed. At this juncture, the petitioners contention cannot be considered and prayed for dismissal of the petition.

5.Heard the learned counsel for the petitioners, learned Additional Public Prosecutor for the first respondent and the learned Senior Counsel for the second respondent. Pursued the materials available on record.

6.It is seen that the petitioners are in possession of three Life Certificates, pertaining to the year 2020, 2022 and 2023. The Doctor, who is said to have issued the Certificates himself confirmed that those documents were forged one and now the same were sent for Forensic Expert's opinion. Moreover, the contention of the petitioners that they have paid the sale consideration through bank and the same was denied by the defacto complainant, which also creates doubts on the contention of the petitioners. Though the petitioners have succeeded in the writ



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petition, which was filed only to challenge the order passed under Registration Act, is no way connected with the investigation conducted in this criminal case and the role played by the petitioners.

7.In view of the above discussion, this Court is not inclined to quash the petition as against the petitioners at this stage. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

18.12.2024

Index: Yes/No
Internet : Yes/No
PNM

To

1. The Inspector of Police,
City Crime Branch,
Madurai City,
Madurai. (Cr. No. 53/2024).

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



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M.NIRMAL KUMAR, J.

PNM

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