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Crl.OP. No. 29310 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 29310 of 2018
& CMP Nos. 17197 & 17198 of 2018

M. Manivannan

... Petitioner

Vs

The State Represented by its.
The Inspector of Police,
CCIWCID, Salem.

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C., to call for records in CC No. 105 of 2011 pending on the file of the Judicial Magistrate No.3, Salem and quash the same.

For Petitioners : Mr. V.karthick, Senior counsel

for K.P. Anantha Krishna

For respondent : Mr. S. Vinoth Kumar

Government Advocate(Crl. side)



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ORDER

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This petition has been filed to call for records in CC No. 105 of 2011 pending on the file of the Judicial Magistrate No.3, Salem and to quash the proceedings as against the petitioner and the charge sheet filed by the first respondent for the offence Sections 120B, 408, 467, 468, 471, 477(A) IPC.

2. The case of the prosecution is that the first accused Krishnamurthy was the Secretary of Dr. Ambedkar Salem City Cooperative Housing Building Society(herein after referred to as "Society") from 06.06.2008 to 17.02.2010. Second and third accused are special officers of the said Society. The cooperative society had sold 81 house sites to its members and had reserved 6325 square feet for public purposes. It is the case of the prosecution is that the accused had conspired and fabricated orders as reportedly issued by the Registrar of Cooperative societies. Based on the said order the above mentioned 6325 square feet was divided into three plots and sold to One Sangeetha, Vijaya and Pushparaj. The present case relates to the sale of 1262 square feet in favour of Pushparaj for a sum of Rs.4,41,700/-, but the said amount was not brought into the books of the society. The allegation against the present petitioner/A8 is that as a Sub Register of Suramangalam, he registered a forged documents as drawn by



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A7 and witnessed by A5 & A6 as witnesses. Hence, the case.

WEB COPY 3. The learned counsel for the petitioner submits that the petitioner was falsely implicated in this case. In fact, non of the prosecution witnesses implicated him directly or otherwise wrong doings and there is no evidence against the petitioner being involved in criminal act and Trial court took cognisance since because the petitioner has been named in the complaint and the said conginzance was taken only on presumption and assumption of facts which is legally not sustainable. Besides, as a Sub Registrar he registered the document without any malafide intention and mere performed his duty and no way connected with the offence. Therefore, he prayed to quash the proceedings against the petitioner.

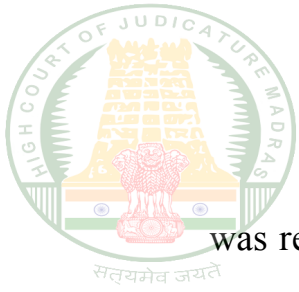
4. The learned Government Advocate submitted that the petitioner along with other accused conspired and fabricated the records, based on that 6,305 square feet belongs to the said society was sold for lesser value, thereby they caused huge loss to the society, for which, the petitioner herein/sub registrar gave exception as if the purchaser are the members of the society, which caused loss to the tune of Rs.35,336/- to the Government. On investigation, witnesses elucidated those facts and charge sheet was filed and there is charge of conspiracy against this petitioner. Hence, he



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prayed to dismiss this petition.

WEB COPY 5. Considering the submissions made by the parties and perused the materials available on record. The petitioner was working as a Registrar in the Sub-Registrar office, Suramangalam from 06.06.2008 to 17.02.2010, during the course of his duty, he registered the document for an extent of 1262 square feet in favour of the fourth accused, believed that he is the member of the society. Therefore, he gave an exemption in the payment of stamp duty as per the rules. But the prosecution contended that the fourth accused is not a member of the society and without verifying the records the petitioner conspired with other accused registered the document for a lesser stamp value, which caused loss to the Government. Fourth accused is the purchaser of the house site belongs to the society for an extent of 1,262 square feet. As per the case of the prosecution, the petitioner registered the document based on the fabricated records created by A1 to A4 but there is no prime facie material against this petitioner that he was aware of the said fabricated records made in the society. In fact, when fourth accused appeared before the Sub registrar/petitioner stating that he is the member of the society on verifying his membership card the Sub registrar/Petitioner in the course of his duty registered the document and there is no proof that he



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was registered the document with malafide intention for his personal gains.

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Therefore, there is no clarity of charges against the petitioner. Furthermore, A6 and A7 who are witness of the documents and the proceedings against them were already been quashed. On seeing the records, there is no prime facie material against the petitioner. Hence, this Court is inclined to quash the proceedings pending against the petitioner in CC No. 105 of 2011 on the file of the Judicial Magistrate No.3, Salem. Accordingly, this petition is allowed. Consequentially, pending petition(s), if any, is/are closed.

12.03.2025

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To

1. The Section Officer,
V.R Section.
2. The Inspector of Police,
CCIWCID, Salem.
3. The Judicial Magistrate No.3, Salem



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T.V.THAMILSELVI,J.

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