

Crl.O.P.(MD) No.4009 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.4009 of 2025

and

Crl.M.P(MD)No.2809 of 2025

Senthil Kumar

... Petitioner

Vs.

1. The Inspector of Police
District Crime Branch
Virudhunagar District

2. Saravanakumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records relating to the First Information Report in Crime No. 10 of 2024 on the file of the first respondent police and quash the same against the petitioner.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)

No.2 : Mr.D.Dhana Chandra Prakash

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.10 of 2024 on the file of the first respondent police.



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WEB COPY 2. The learned counsel appearing for the petitioner would submit

that the second respondent lodged a false complaint against the petitioner and others before the first respondent and a case has been registered in Crime No.10 of 2024 for the offences under Sections 120(b),420, 465, 468, 471, 294(b) and 506(2) of IPC and this petitioner was arrayed as sixth accused in this case. Infact this petitioner was arrayed as an accused on the ground that he registered the document while he was acting as a Sub Registrar in the concerned Registrar Officer. As per the case of prosecution the properties in S.No. 2/1, 1/5, 1/6, 6/1, 2/2, 6/2, 6/3, 7/2, 1/1, 1/2A,1/2B,1/3,1/4,3/2,7/1 at Ammapatti Village , Sattur Taluk, Virudhunagar District to an extent of 27 acres and 70 cents belongs to M/s.IVR Prime Developers(Arakku) Pvt Ltd, Hyderabad, Andhra Pradesh. Two properties were purchased through power agent of the company namely N.S.Mani on various dates. The defacto complainant decided to purchase the property @ Rs.3,10,000/- per acre and paid a sum of Rs.85,87,000/- to the above said persons and additionally paid a sum of Rs.6,00,000/- towards registration charges totally Rs.91,87,000/- was paid and obtained two sale deeds on 05.02.2024 and 23.02.2024 respectively. At the time of registration of the parent documents were not

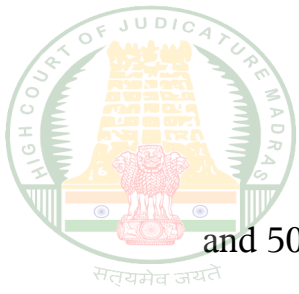


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given to the defacto complainant by A3 to A5. Later the defacto complainant came to know that the private company did not give any power to N.S.Mani and the power of attorney deed was created and forged. Hence he lodged a complaint and based on the same, the First Information Report has been registered . This petitioner was arrayed as sixth accused and he is working as Sub Registrar. Infact this petitioner registered documents as per Section 52 of the Registration Act. As a registering officer he did not have any power to verify the title and ownership of the person who alienates his/her property, therefore there is no dishonest intention to cheat the defacto complainant and he only acted as per the provisions of the Registration Act and no any offence is made out as against this petitioner. Therefore only with malafide intention the petitioner has been arrayed as one of the accused in this case, thereby the registration of the First Information Report is abuse of process of law and the same is liable to be quashed.

3. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.10 of 2024 for the offences under Sections 120(b),420, 465, 468, 471, 294(b)



and 506(2) of IPC and the case is under investigation and at this stage the First Information Report cannot be quashed and hence petition is liable to be dismissed.

4. The learned counsel appearing for the second respondent would submit that the petitioner along with others conspired together and created forged power of attorney deed. Thereafter the first accused along with other have sold the property to the defacto complainant by suppressing material facts and without any title they cheated the defacto complainant to the tune of Rs.91,87,000/- and thereby he lodged a complaint and a case has been registered and the investigation is pending. The registering authority colluded with the other accused and registered the documents, therefore it needs elaborate investigation and therefore petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. As per the case of prosecution the A1 to A5 cheated the defacto complainant by executing sale deed without any title over the property and same was registered by the sixth accused who is the petitioner herein,



without verifying the documents the petitioner due to conspiracy entered between the petitioner and other accused cheated the defacto complainant by registering the document. This petitioner along with document writer abetted to commit the offence. According to the petitioner he acted in accordance with law. Apart from registering the document there is no any averments to constitute the offence as against the petitioner.

7. At this juncture the learned counsel appearing for the petitioner relied on the judgment of this Court in the case of Priyadharshini .vs. The Inspector of Police, Land Grabbing Special Cell, Namakkal District in Crl.O.P No.6121 of 2020, wherein this Court after referring Section 52 of the Registration Act passed order that the Sub Registrar cannot sit over the document and enquire the title. The second petitioner is being the Sub Registrar she has no role to play in the crime committed by the other accused persons. In the case on hand also the petitioner being Sub Registrar only registered documents and apart from this there is no any act done by the petitioner and therefore there is no any materials to constitute the offence as against the petitioner.



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8. This Court carefully perused all the materials. On perusal of the First Information Report and other records it is seen in the last line of the complaint and the First Information Report wherein the defacto complainant stated that A1 to A5 conspired together and the Sub Registrar and document writer had abetted to commit the offence. Apart from this there is no allegation as against this petitioner. Therefore without any material including the name of the petitioner in the First Information Report without any specific allegation , registering the First Information Report is abuse of process of law. There are no averments to constitute the offence as per the contents of First Information Report, therefore the pending First Information Report is liable to be quashed as against this petitioner.

9. The learned counsel appearing for the second respondent relied on the following judgments:

a) Kaptan Singh .vs. The State of Uttar Pradesh and others in Crime AppealNo. 787 of 2021



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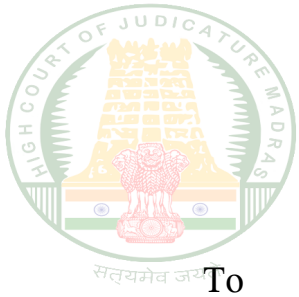
WEB COPY b)Shekhar .vs.The State of Karnataka but its Doddaballapura Town
Police Station, Bengaluru District, Rep. by High Court SPP, Bengaluru
and another

10.. On careful perusal of the above said judgments it will not be applicable to the present facts of the case. In the case on hand there is no any allegation in the First Information Report to constitute the offence as against this petitioner.

11. In view of the above the Criminal Original Petition stands allowed and the First Information Report in Crime No.10 of 2024 on the file of the first respondent police is hereby quashed as against this petitioner. Consequently connected miscellaneous petition stands closed.

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Internet :Yes
Index :Yes/No
NCC :Yes/No
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To
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1. The Inspector of Police
District Crime Branch
Virudhunagar District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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