



Crl.O.P(MD)No.19785 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.19785 of 2024

and

Crl.M.P(MD)Nos.12192 & 12193 of 2024

M.Dharmalingam,

... Petitioner

Vs

**1. The State of Tamilnadu,
Rep by the Inspector of Police,
ALGSC (DCB),
Dindigul.
Crime No.64 of 2014.**

2. G.Balasubramanian,

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records relating to the Impugned Proceeding in C.C.No.200 of 2023 on the file of the learned Judicial Magistrate Court No.II, Dindigul and Quash the same as illegal as against the petitioner /Accused No.11 herein.

For Petitioner : Mr.Sundaravadivel.C

**For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)**



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ORDER

This Criminal Original Petition has been filed seeking to quash the impugned proceedings in C.C.No.200 of 2023, on the file of the learned Judicial Magistrate Court No.II, Dindigul.

2.The case of the prosecution is that the defacto complainant and others have properties in Alambadi Village in several survey numbers. While so, A1 to A4 along with the other accused entered into conspiracy from 03.06.2009 to 11.09.2009 and created forged power deed and alienated the properties and got unlawful gain. The present disputed property is situated within the jurisdiction of Gujiliamparai Sub Registrar Office. While so, the deed was executed and presented for registration at Tharagampatti, Sub Registrar Office. The Sub Registrar of Tharagampatti, without sending the documents to the Sub Registrar Office, Gujiliamparai, registered the power deed in favour of A5 and thereafter, the property was sold. Therefore, the complaint has been lodged by the defacto complainant and based on the same, the first respondent registered an FIR in Crime No.64 of 2014 has been registered



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for the offence under Sections 120(B), 465, 468, 471, 301 and 420 of IPC and thereafter, the first respondent conducted investigation and filed final report and the same was taken cognizance by the trial Court in C.C.No.200 of 2023. Now, the petitioner/11th accused, who was the Sub Registrar of Tharagampatti, who registered the sale deed for the property situated in the jurisdiction of Gujiliamparai, has filed this petition.

3.The learned Counsel for the petitioner would submit that the petitioner is the retired Sub Registrar, Gujiliamparai and the second respondent lodged a false complaint as against the petitioner and others. In fact, there is a property dispute between the second respondent and his family members, who are all arrayed as A1 to A4. While so, they sold the property based on the power deed and the petitioner had only registered the document while he was working as Sub Registrar, Tharagampatti. The allegation against the petitioner is that he had not informed the Sub Registrar, Gujiliamparai as some of the properties are within the jurisdiction of Dindigul District and it is the duty of the Sub Registrar before whom such document is to be registered. In the present case, on 11.09.2009 and 09.02.2011, the Sub Registrar who was in charge at Tharagampatti Sub Registrar Office had registered the sale



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deeds and given the continuation Registration No.304/2011 in respect of pending No.23 of 2009 and Registration No.270/2011 in respect of pending No.38 of 2009 respectively and the said Sub Registrar should inform the Sub Registrar, Gujiliamparai about the same. But the petitioner was retired from service on 22.06.2010 and therefore, fastening the liability on the petitioner is illegal and arbitrary. The first respondent has not conducted proper investigation and filed the final report. Hence the impugned proceedings are liable to be quashed.

4.The learned Counsel for the second respondent would submit that A1 to A4 created forged power deed and executed the same in favour of the fifth accused and thereafter, sold the property. The petitioner, who was the Sub Registrar of Tharagampatti, registered the property without jurisdiction. In fact the property is situated at Gujiliamparai, but without informing the Sub Registrar Office, Gujiliamparai, he registered the document, thereby, he also colluded with the other accused and acted against law. Therefore, the defacto complainant lodged the complaint. and based on the same, the first respondent registered an FIR in Crime No.64 of 2014 for the offence under Sections 120(B), 465, 468, 471, 301 and 420 of IPC and thereafter, the first respondent conducted



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investigation and filed final report and the same was taken cognizance by the trial Court in C.C.No.200 of 2023. Since the trial Court found *prima facie* opinion that there are some materials against the petitioner to proceed with the case further, at this stage, this Court cannot conduct mini trial and it needs elaborate trial. The disputed facts cannot be adjudicated through the petition filed under Section 482 of Cr.P.C. Therefore this petition is liable to be dismissed.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the complaint lodged by the second respondent against the petitioner and others before the first respondent, the FIR in Crime No. 64 of 2014 had been registered for the offence under Sections 120(B), 465, 468, 471, 301 and 420 of IPC and thereafter, the first respondent conducted investigation and filed final report and the same was taken cognizance by the trial Court in C.C.No. 200 of 2023. The petitioner being Sub Registrar, had registered the forged document without any jurisdiction and not followed the procedure, thereby, there are *prima facie* materials available as against him. Therefore, the petitioner has to face the trial and at this stage, this petition is liable to be dismissed.



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6.Heard both sides and perused the records.

7.In this case, based on complaint lodged by the second respondent against the petitioner and others before the first respondent the case in Crime No.64 of 2014 had been registered for the offence under Sections 120(B), 465, 468, 471, 301 and 420 of IPC and thereafter, the first respondent conducted investigation and filed final report and the same was taken cognizance by the trial Court in C.C.No.200 of 2023. The petitioner was arrayed as 11th accused. The allegation as against the petitioner is that the petitioner conspired with the other accused and registered the document for the property situated within the jurisdiction of Gujiliamparai, Sub Registrar office, but registered the same at Tharagampatti, Sub Registrar office and he failed to inform the Sub Registrar office, Gujiliamparai about the registration of the document in the Tharagampatti, Sub Registrar office. It is admitted that on the date of registration of document, the petitioner was in charge of the Sub Registrar, Tharagampatti. Therefore, the charge for conspiracy can be inferred from the evidence and there cannot be any direct evidence for the conspiracy and it can be inferred from the evidence of the witnesses.



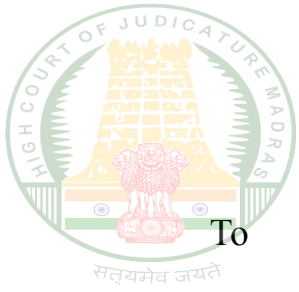
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Therefore at this stage, the grounds raised by the petitioner cannot be considered and it needs elaborate trial. As per the final report, there are prima facie materials available against the petitioner and voracity of the statements recorded and the materials collected during the investigation can be tested during the trial. At this stage, this Court cannot form any opinion about the statements and the materials collected during the investigation. Therefore, it needs elaborate trial.

8. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed. The petitioner is at liberty to raise all the grounds raised in this petition as defence before the trial Court.

24.04.2025

Internet: Yes
Index : Yes/No
NCC : Yes/No
LR



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To

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1. The Judicial Magistrate No.II,
Dindugul.
2. The State of Tamilnadu,
Rep by the Inspector of Police,
Algsc (Dc),
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

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