



CRL. OP(MD). No.20211 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.20211 of 2024

and

CrI.M.P(MD)Nos.12496 and 12497 of 2024

A.S.P.Seeni Mohideen

... Petitioner

Vs.

1.The Inspector of Police
Malli Police Station
Virudhunagar District

2. Muthumari

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the entire records pertaining to the case in (*)C.C.No.19 of 2021 pending on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District and quash the same as against the petitioner.

For Petitioner

: Mr.R.Anand



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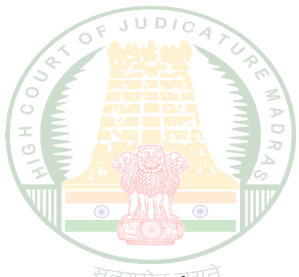
For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)

No.2 : Mr.R,Jeganathan

ORDER

This petition has filed to quash the proceedings in (*)C.C.No.19 of 2021 pending on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District

2. The case of the prosecution is that the defacto complainant filed a partition suit against her family members in O.S.No.27 of 2014 before the District Court, Srivilliputhur. While so, during pending suit the mother of the defacto complainant passed away on 22.12.2015. When the said suit is pending on 16.03.2016 the brother and sister of the defacto complainant namely Sivamuthu and Ananthi executed settlement deed in respect of one of the property to her sister Uma and the same was registered where the petitioner was working as a Sub Registrar. Already a case in Crime No.60 of 2019 was also registered and the same is pending and the defacto

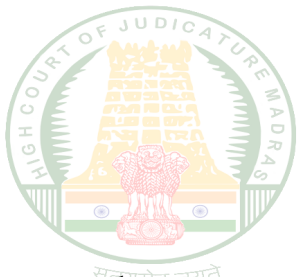


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complainant issued notice to the Sub Registrar not to register the subject property since the case is pending and also filed protest petition. Inspite of that the Sub Registrar registered the documents, therefore the defacto complainant lodged a complaint and the first respondent registered a case in Crime No.60 of 2019 for the offences under Sections 420, 466, 467, 468, 120(B), 109 of IPC and the same was investigated by the first respondent and thereafter they filed final report. Based on the final report the trial Court has also taken cognizance in (*)C.C.No.19 of 2021 Now the petitioner who was the Sub Registrar who registered the document is challenging the said proceedings.

3. The learned counsel appearing for the petitioner would submit that there is a family dispute between the second respondent and her family members. While so, she filed a suit in O.S.No.27 of 2014 before the District Court, Srivilliputhur for the relief of partition. While the suit is pending some of the parties executed documents and registered settlement deed and the same was also registered and thereby a case has been registered in Crime No.60 of 2019 and thereafter the defacto complainant also issued notice to the petitioner not to register the document while the suit is pending. Infact a false case has been lodged as against the petitioner and the petitioner is no way connected with the said case. He only registered the document

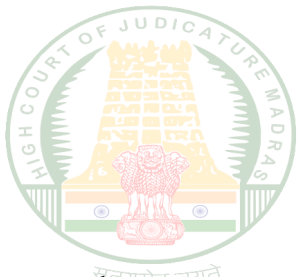


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when it was presented for registration, apart from that there is no any criminal act
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done by the petitioner. To attract the offence as against the petitioner there are no materials available. The parties executed document that the said document was presented for registration. The petitioner acted as per Section 52 of the Registration Act and his duty is to verify the documents and endorse the date, hour and place of presentation and signature of every person presenting the document for verification and to make endorsement. The petitioner has no role while registering the document as to verify the ownership and therefore he registered the document as per rules. Therefore no any offence made out as against the petitioner for the offences under Section 420, 466, 467, 468, 120(B), 109 of IPC. However the petitioner was impleaded as A3 in this case and there is no intention to cheat the petitioner and there is no dishonest intention inducing delivery of property. Therefore the second respondent lodged false complaint as against the petitioner and the first respondent without conducting proper investigation filed final report and the trial Court without *prima facie* materials against the petitioner had taken cognizance therefore the pending charge sheet is liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that the second respondent lodged complaint as against

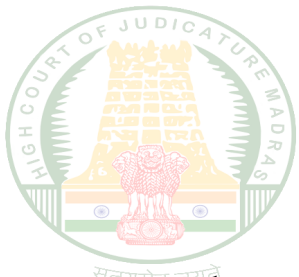


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the petitioner and they registered a case in Crime No.60 of 2019 for the offences under Section 420,466,467,468,120(B), 109 of IPC. Thereafter the first respondent conducted investigation and filed final report and as per the final report there are *prima facie* materials available as against the petitioner. Therefore the trial Court has also taken cognizance and it is matter for trial. Therefore the petition is liable to be dismissed.

5.The learned counsel appearing for the second respondent would submit that A1 and A2 executed the documents without any rights and the petitioner also without perusing the records registered the document. The second respondent already filed a suit for partition and knowing the same the brother and sister of the second respondent executed settlement deed and the same was registered by the petitioner. Thereafter the second respondent came to know that the third respondent only acted on official capacity and no any dishonest intention to cheat the second respondent, however the petitioner filed a petition . Already the petitioner filed petition in Crl.O.P(MD) No.17596 of 2021 and the same was subsequently withdrawn on 01.04.2024. The third respondent has no any dishonest intention and only acted in the official capacity. The second respondent has no objection to quash the petition as against the petitioner and to that effect the second

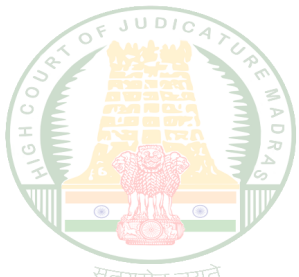


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respondent also filed an affidavit before this Court.
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6. Heard both sides and perused the materials available on record.

7. In this case the petitioner is the Sub Registrar who registered the document which was presented for registration. The charge against the petitioner is that when the partition suit is pending and the same was informed to the petitioner, inspite of that registered the document, therefore the petitioner has committed the offence under Section 420 r/w.109 of IPC. In order to attract the provision under Section 420 of IPC there are no materials and the defacto complainant has not executed any document and the petitioner has not induced to deliver any property with dishonest intention and there are no materials to constitute the offence under Section 420 r/w. 109 of IPC. To attract the provision under Section 109 of IPC abetment no any piece of material except the petitioner registered the document. It is the duty of the petitioner to register the document when it was presented if it is in accordance with the rules. Only because the petitioner registered the document which was presented for registration he cannot be roped into the criminal case unless there are strong materials that he involved in any criminal activities. The



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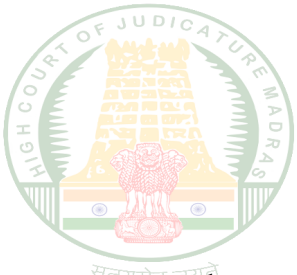
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investigation agency failed to investigate properly and the trial Court also failed to consider the same and without prima facie materials taken cognizance. More over during the pendency of the petition the defacto complainant herself filed petition before this Court saying that she has no objection to quash the proceedings.

8. So far as the earlier application filed by the petitioner in Crl.O.P(MD) No. 17565 of 2021 is concerned there is no bar to file subsequent petition. The Hon'ble Supreme Court in *Mustakn Enterprises and another .vs. State of Punjab and another* reported in *2024 SCC Online 4107*, also settled that there is no bar to file a petition to quash when earlier petition was withdrawn and therefore the earlier petition withdrawn by the petitioner is no bar to file a present petition as per Section 482 of Cr.P.C.,

9. Therefore the pending proceedings as against the petitioner is nothing but abuse of process of law, hence the pending proceedings is liable to be quashed.

10. Accordingly the Criminal Original Petition stands allowed and the



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proceedings in (*)C.C.No.19 of 2021 pending on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District is hereby quashed as against the petitioner alone. Consequently connected miscellaneous petitions are closed.

Sd/-

25/03/2025

(*)Corrected as per order of this Court dated 08/04/2025 made in CRL MP(MD)No.4827 of 2025 in CRL OP(MD)No.20211 of 2024

Sd/-

Assistant Registrar (CS III)

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/04/2025

Sub Assistant Registrar(CS)

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To

(*)To be substituted the order which already despatched on 07/03/2025

1. The Judicial Magistrate No.II, Srivilliputhur,
Virudhunagar District

2. The Inspector of Police
Malli Police Station
Virudhunagar District



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

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25.03.2025

VN (07/04/2025) 9P / 4C

MGJ(23/04/2025 9P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.