

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29535 of 2015

A.Savarimuthu

... Petitioner

Vs

State by Inspector of Police,
Mangalam Police Station,
Mangalam,
Tiruppur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to investigate the crime and register the FIR on the basis of the complaint dated 05.08.2015 in accordance with law within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharathkumar
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the respondent to register a case on the basis of the complaint given by the petitioner dated 05.08.2015 .

2. The petitioner was the owner of the vacant land measuring one acre, comprised in Survey No.66/2, Kaniyamboondi Village, Avinashi Taluk, Tiruppur district. He purchased the said property under a sale deed dated 04.03.2005 registered as Document No.1794 of 2005 on the file of Sub-registrar, Avinashi from one K.N.Venkatachalam for valid consideration. The said sale deed was misplaced by the petitioner in the year 2013. Hence, the petitioner lodged a complaint to the Deputy Superintendent of Police, Palladam on 14.08.2013 to trace out the original document. Pursuant to the said complaint, an enquiry was conducted and non-traceable certificate was also issued to the petitioner 17.09.2013. On the basis of the non traceable certificate, the petitioner has executed a settlement deed in favour of his son S.Antony and he sold the property to third party with an undertaking that the lost document will be furnished to him as soon as it is traced. After two years of

issuance of non-traceable certificate, a communication was sent to the respondent police by one A.P.Nirmala Devi stating that the original sale deed dated 04.03.2005, registered as document no.1794 of 2005 in favour of the petitioner is in her custody, as the property belongs to her and requested the respondent police to recall the non-traceable certificate issued to the petitioner. Hence, the petitioner lodged a complaint on 05.08.2015 before the respondent police stating that the original sale deed was stolen by the said A.P.Nirmaladevi. But, till date, no action has been taken on the said complaint. Hence, the present criminal original petition has been filed.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that on the complaint dated 05.08.2015 given by the petitioner, an enquiry was conducted and the same was closed as civil in nature.

4. In view of the same, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in a manner known to law, if he is so advised.

mrp

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police,
Mangalam Police Station,
Mangalam,
Tiruppur District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R.Bharath kumar, Advocate SR 67043

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