



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14623 of 2021

M. Prabhu,
S/o. Late Magimaidas

...Petitioner

Versus

The State Rep. By,
The Inspector of Police(Crime),
Salem Town Police Station,
Salem District

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent herein to issue a non-traceable certificate for the gift deed that stands in the name of his mother bearing document number 6534/2008 dated 15.10.2008 registered in the office of SRO, Suramangalam which stands in the name of his mother Late Rani.

For Petitioner : Mr. T. Muruganantham

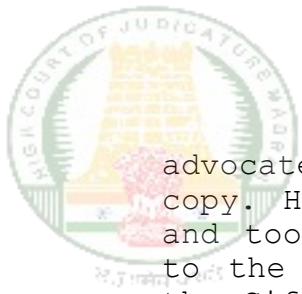
For Respondent : Mr. A. Damodaran
Counsel for Government of Tamil Nadu
(Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking a direction directing the respondent to issue a non-traceable certificate for missing of Gift deed vide document No.6534 of 2008 dated 15.10.2008.

2. The contention of the petitioner is that his paternal grandmother Pappa had executed a Gift deed in favour of his mother Rani vide document No. 6534 of 2008, dated 15.10.2008 and the said Rani passed away on 18.01.2021. The petitioner's paternal uncle Joseph Paulraj is in illegal possession of property for a long time and for the purpose of obtaining legal advise from Mr.N.Chandrasekaran having office at No.5, A-Block, Palace Towes, Cherry Road, Salem, the petitioner had met the



advocate, who asked the petitioner to hand over the photostat copy. Hence, the petitioner had gone to nearby R.K. Xerox shop and took the photostat copy and handed over the photostat copy to the advocate. Later, the petitioner found that original of the Gift deed has been misplaced and unable to be found. Hence, the petitioner had lodged a complaint on 26.07.2021 seeking non-traceable certificate and no action has been taken. Hence, this petition has been filed.

3. The learned Government Advocate (Criminal Side) appearing for respondent would submit that from the petitioner's submission, it is seen that there is a dispute between the petitioner and his paternal uncle Joseph Paulraj, who is in occupation of the property.

4. It has become usual practice that the persons, who seek non-traceable certificate, on enquiry, it is found the original document are with the adverse party, suppressing the same, normally, such complaints have been made. Hence, the respondent police reluctant to issue non-traceable certificate immediately. After proper enquiry and ascertain the truth, non-traceable certificate can be issued. Recording the same, this Criminal Original Petition is disposed of and the respondent police to conduct enquiry on the complaint of the petitioner dated 26.07.2021 and thereafter, to issue non-traceable certificate.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpp/rgi

To

1. The Inspector of Police (Crime)
Salem Town Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Muruganantham, Advocate, S.R.No.42392

CRL.O.P.No.14623 of 2021

GJ[co]
NSK 13/09/2021