

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16177 of 2021

Rajendra Kumar M. Petitioner

Versus

The State Represented by
Inspector of Police,
S1 Police Station,
St.Thomas Mount,
Chennai 600 016.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to issue 'Not Traceable Certificate' which was a pre-requisite for the petitioner's sister to receive pensioner benefits and submit a report to this Honourable Court.

WEB COPY

For Petitioners : Mr.S.Namasivayam.

For Respondents : Mr.S.Vinoth Raja,
Government Advocate (crl.side).

ORDER

This Criminal Original Petition has been filed to direct the respondent to issue Non Traceable Certificate.

2. The learned counsel for the petitioner would submit that the petitioner along with his father, mother and his siblings Harish Kumar, Krishna Kumar and Meenakshi were residing at Plot No.15, Thiruvalluvar Nagar, 3rd Cross Street, Alandur, Chennai 16. His brother Krishnakumar, who born on 23.10.1964, was found missing from 16.11.1994. Hence, petitioner's mother Shanthi Devi, lodged a complaint with the respondent police on 19.11.1994, for which FIR in Crime No.3129 of 1994 was registered as Man Missing. Now, it is almost nearly 26 years completed. But, till date no progress in the investigation.

3. The learned counsel for the petitioner would further submit that the petitioner's father, Mahadev was working in the Military Farm, St.Thomas Mount, Chennai as Class IV employee. After his demise, i.e., on 6.10.2010, his mother Shanthi Devi has received the pension. Subsequently, she passed away on 04.10.2020. As per Service Rules, petitioner's sister, who is unmarried spinster and having no source of income, is entitled to receive family pension, upon production of legal heir certificate. For obtaining legal heir certificate, Non Traceable Certificate is essential. In view of the same, the petitioner has sent a representation to the respondent on 02.07.2021 . But, no action has been taken. Hence, the present petition.

4. The learned Government Advocate (crl. side) would submit that C.D file in Crime No.3129 of 1994 for man missing is unable to be traced out since it is very old matter. He would further submit that the petitioner may be directed to approach the respondent police along with copy of the First Information Report and other documents in support of his representation, and it will be helpful to the respondent to do needful.

5. In view of the same, the petitioner is directed to approach the respondent police along with the copy of the First Information Report, Copy of the representation dated 02.07.2021, Death Certificate of his parents and letters from his siblings, namely, Harish Kumar, Meenakshi. Thereafter, the respondent police to give priority to complete the enquiry, if any required, and to issue Non Traceable certificate within a period of two weeks from the date of submission of the representation by the petitioner.

6. With the above directions, this Criminal Original Petition is disposed of.

21.09.2021

Index: Yes/No

mrp/mpl

Note: Issue order copy on 22.09.2021.

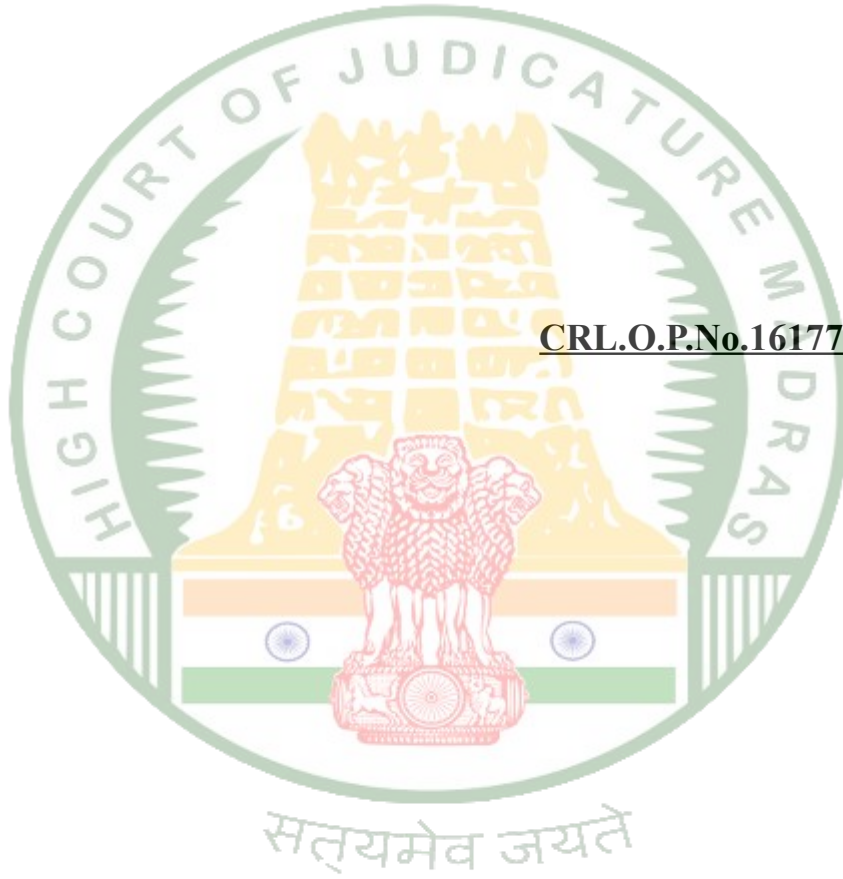
To

The Inspector of Police,
S1 Police Station,
St.Thomas Mount,
Chennai 600 016.

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M.NIRMAL KUMAR, J.

mrp/impl



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