



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17578 of 2021

1. John Basha
S/o. Najumudeen

2. Yasmeen
W/o. John Basha

...Petitioners

Versus

1. The Commissioner of Police,
Sirupulupatti,
Tiruppur District,
Tiruppur.

2. The Inspector of Police,
Nallur Police Station,
Tiruppur.

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent herein to issue non-traceable certificate to the petitioners herein based on the 1st petitioner's online complaint dated 22.09.2020 and the subsequent written complaint dated 03.09.2021 within a stipulated time.

For Petitioners	:	Mr.V.I.Prashanth
For Respondents	:	Mr.R.Vinoth Raja
		Govt. Advocate (Crl.side)

ORDER

(This case has been heard through video conference)

The petitioners are husband and wife. According to the petitioners, on 03.09.2020 at about 11.00 a.m., the 1st petitioner proceeded in a motor-bike from his residence to xerox shop in Rakkiapalayam to take photostat copy of the document No.9445 of 2016 registered in S.R.O. Joint Office-I, Tiruppur, the said document lost. Thereafter, the petitioner had given a paper publication on 09.09.2020 and followed the same, the petitioner sent a complaint through online on 22.09.2020 and subsequently, he sent the complaint by post to both 1st and 2nd respondents on 03.09.2021. Since no action taken, the petitioner filed this petition.



2. The learned Government Advocate (Criminal Side) appearing for respondents would submit that the petitioners are seeking non-traceable certificate. It is pertinent to note that the petitioner never given any complaint in physical mode and the earlier complaint sent through online on 22.09.2020. Thereafter, by registered post. Unless the petitioner appears before the respondent police and lodge complaint explaining circumstances, in which the complaint lodged. Thereafter, verifying the veracity of the complaint, the respondent police can take action.

3. It is to be noted that the verification of complaint is required for the reason that in most of the cases, the properties are pledged with financiers and third persons. Thereafter, missing certificates are obtained and using the missing certificate, the certified copy of the documents are being considered as primary document, subsequently, encumbrance and sale deed are executed. Hence, there have been registration of lot of cases. During investigation, these facts come into light. In view of the same, to ascertain the genuineness of the complaint, the petitioners' presence along with contemporary documents is necessary. Considering the same, this Court directs the petitioner to appear before the 2nd respondent police along with copy of complaint and other contemporary documents and thereafter, on enquiry, if satisfied, the respondent police to proceed further.

4. With the above direction, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

rpp/nr
To

1. The Commissioner of Police,
Sirupulupatti,
Tiruppur District,
Tiruppur.

2. The Inspector of Police,
Nallur Police Station,
Tiruppur.



3. The Public Prosecutor,
High Court, Madras.

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PL (CO)
SP (28/10/2021)