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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.22998 of 2021

A.Thirumuruga Prabhu

... Petitioner

Versus

State rep. by its
The Inspector of Police,
North Police Station,
Tiruppur.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondent to issue Non-Traceable Certificate in the document No.1730/1994, 3707/2003, 4245/2003 based upon the petitioner's complaint dated 23.06.2019.

For Petitioner : Mr.K.Rajendra Prasad

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

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O R D E R

This Criminal Original Petition is filed to direct the respondent to issue Non-Traceable Certificate in the document No.1730/1994, 3707/2003, 4245/2003 based upon the petitioner's complaint dated 23.06.2019.

2.The learned counsel for the petitioner submits that the petitioner had purchased a house property from one Anandha Bharathi, situated at TPA Colony, Krishnasamy Gounder layout at Tiruppur, for a total sale consideration of Rs.69 lakhs. Before purchasing the above said house property, the petitioner has got



valid legal opinion. The sale consideration was effected on 20.03.2019, through Document No.3240 of 2019, which was registered with the Sub Registrar Office at Tiruppur. At the time of registering sale deed the parent document of the seller was misplaced. Instead of producing the original documents, the said Anandha Bharathi produced the Non-Traceable Certificate issued by the respondent herein before the Sub Registrar Office, based upon the certificate sale deed was effected. Based upon the sale deed the petitioner has transferred the revenue documents in his name like Patta, Tax receipts etc. At the time of purchasing the above said house property the petitioner herein had pledged the jewels of his wife and raised fund.

3.Under these circumstances, the petitioner has approached the bank for seeking mortgage loan. The petitioner has applied for a mortgage loan and he submitted the documents. During verification the bank officials had directed the petitioner to submit the Non-Traceable Certificate, which was issued by the respondent police to the seller viz., Anandha Bharathi. Immediately the petitioner had approached the said Anandha Bharathi, who in turn demanded Rs.1 lakh for handing over the said Non-Traceable Certificate. Hence the petitioner had lodged a complaint before the respondent police on 23.06.2019. On the complaint the respondent police sent a letter to the Sub Registrar at Tiruppur, seeking the copy of the certificate issued earlier by the respondent police. On 04.10.2019, the Sub Registrar at Tiruppur replied that the copy of the Non-Traceable Certificate was not available in their office. Therefore the petitioner made a request to the respondent police for issuance of another certificate in respect of the parent documents which was issued earlier by the respondent police in the name of the said Anandha Bharathi. Till date no action has been taken. Hence, this Criminal Original Petition is filed.

4.The learned Additional Public Prosecutor requested this Court to direct the petitioner to submit a copy of the said representation before the respondent police, within a period of four weeks, the said representation of the petitioner would be considered and thereafter, appropriate orders would be passed.

5.In view of the above, the petitioner is directed to submit a copy of the representation before the respondent police. Thereafter, the respondent police are directed to consider the representation of the petitioner, within a period of four weeks, from the date of receipt of a copy of this order and pass appropriate orders in accordance with law.



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6. With the above direction, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The Inspector of Police,
North Police Station,
Tiruppur.

2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.22998 of 2021

RSV (CO)
CB (27/12/2021)