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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21464 of 2021

State Bank of India,
Rep. by its Asst. General Manager,
V.Guruswamy, S/o Venkatapa,
RACPC OMR Branch,
New No.4/952 & 4/952-A,
3rd Floor, Rajiv Gandhi Salai,
Perungudi, Chennai.

...Petitioner

Vs

1. The Inspector of Police,
J-13. Taramani Police Station,
Taramani, Chennai - 600 113.
2. The Inspector of Police,
City Crime Branch,
(Document Missing Wing),
Office of the Commissioner of Police,
Vepery, Chennai.

...Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to register the complaint of the petitioner dated 28.09.2021 and consequently issue "Document Missing Certificate" to the petitioner at the earliest point of time as may be fixed by this Court.

For Petitioner	:	Mr.J.Pothiraj
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent to register the complaint of the petitioner dated 28.09.2021 and consequently, issue "Document Missing Certificate" to the petitioner at the earliest point of time as may be fixed by this Court.



2.The petitioner is the Assistant General Manager of the State Bank of India, RACPC OMR Branch, Chennai. The grievance of the petitioner is that one M.Sundarraaj, owner of the house and land comprised at Plot No.6, Kannan Nagar, 2nd Street, Madipakkam, Chennai, measuring an extent of 1 ground 858 Sq.ft. mortgaged the said property with the State Bank of India, RACPC Branch, Anna Salai, Chennai,- 2, on 21.12.2009, while availing the loan, the following documents were received by the bank.

"1.Document No.504/1946 in the SRO Pallavaram.

2.Original Sale deed dated 05.10.1981 created by Chinnappa Pillai vide Document No.2379 /1981 Sub Registrar, Alandur.

3.Original patta in the name of Mr.M.Sundarraaj.

4.Original Mortgage Deed dated 07.10.2002 executed by Mr.M.Sundararaj in favour of Tamil Nadu State Apex Cooperative Bank Ltd., vide Doct.No.2528/2002 Sub Registrar, Alandur.

5.Original deed and Mortgage Receipt dated 14.12.2007 vide Doct No.3772/2007 Sub Registrar, Alandur.

6.Original Sale deed and mortgage receipt bearing No.2735/1991 dated 16.09.1991 and 817/2008 dated 17.03.2008 executed in favour of M/s.Karthikeyapuram Coop building Society Ltd., before SRO Alandur.

7.Original Sale deed and mortgage receipt bearing No.1663/2009 dated 17.07.2009.

8.Planning permission 295/1991 dated 02.07.1991, Alandur Municipality.

9.Original approved plan dated 10.07.1991."

3.Later, the RACPC Branch, Anna Salai, Chennai, was transformed and formed at OMR Salai, Perungudi. While shifting the documents mentioned above, during transit, were lost and unable to be traced. Thereafter, paper publication both in English and vernacular language, public notice issued annexing copy of the documents and a complaint was lodged to the first respondent police. Thereafter, no action has been taken.



4.The learned Additional Public Prosecutor submits that the respondent police would soon file an FIR, after verification of the contents of the complaint and documents and on perusal of the materials filed, it is seen that the copy of the complaint, paper publication and copy of the missing documents have also been produced. The complainant is none other than the Public Sector Bank, now the original documents are untraceable.

6.In view of the same, the petitioner to obtain certificate of missing documents from the registering authorities and use the same, as primary documents. Registration of the FIR is necessary. Therefore, the first respondent police is directed to register an FIR and furnish the copy to the petitioner on verification of the materials produced.

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

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

ata/sms

To

1. The Inspector of Police,
J-13. Taramani Police Station,
Taramani, Chennai - 600 113.
2. The Inspector of Police,
City Crime Branch,
(Document Missing Wing),
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Pothiraj, Advocate, S.R.No.60416

CRL.O.P.No.21464 of 2021

KV[co]
NSK 06/12/2021