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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.22737 OF 2021

Duraisamy

... Petitioner

Versus

1. The Superintendent of Police,
Erode District,
Erode.

2. The Inspector of Police,
Kodumudi Police Station,
Erode District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to issue Non Traceable Certificate with regard to the Document No.29/1993 dated 20.01.1993 registered in the office of the Sub Registrar, Kodumudi, Erode District in pursuant to the paper publication dated 07.01.2021 in the news paper Malai Malar, Erode Edition.

For Petitioner : Mr.M.Vignesh

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

O R D E R

This Criminal Original Petition is filed to direct the second respondent police to issue Non Traceable Certificate with regard to the Document No.29/1993 dated 20.01.1993 registered in the office of the Sub Registrar, Kodumudi, Erode District in pursuant to the paper publication dated 07.01.2021 in the news paper Malai Malar, Erode Edition.



2.The petitioner is a Senior Citizen, aged about 75 years sent a complaint to the respondent police on 07.08.2021. Thereafter no action has been taken. Hence he filed the above said petition.

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3.The grievance of the petitioner is that he had purchased a property measuring to an extent of 1241 sq.ft., in R.S.No.699/6 in Kodumudi Village from K.N.Shanmugam, Gopal, Ramamurthy and Lakshmanasamy by a registered sale deed Document No.29/1993. The said property was pledged, loan obtained and thereafter the petitioner had repaid the said loan and redeemed the property. The original documents have been returned to the petitioner on 20.09.2020. Thereafter on 20.09.2020, the petitioner had misplaced the documents and unable to trace. In view of the same, he had caused a public notice on 07.01.2021 in Malai Malar News paper Erode Edition. Thereafter, he had lodged a complaint to the second respondent on 07.08.2021, for issuance of the Non Traceable Certificate in respect of the misplaced document.

4.The learned Additional Public Prosecutor submits that on the complaint of the petitioner, he was called for enquiry. On 02.12.2021, the petitioner appeared before the respondent police and thereafter on 06.12.2021, gave a letter that he would approach the Revenue authorities and get proper relief. The letter given by the petitioner is produced before this Court. On perusal of the above said letter, it is seen that the petitioner is an uneducated person and he is only placing his thumb impression in the said letter. Further on perusal of the complaint given by the petitioner, it is also seen that he had placed his thumb impression. In view of the same, the petitioner being an uneducated persons giving such a letter that he would seek request through Revenue Department cannot be countenanced.

5.He further submits that the petitioner himself admits that he had mortgaged the original title deed with the financier to whom he had obtained the loan. The experience shows that it is a usual tactics played by the persons, who had taken loan from the financiers. For some other reasons they make a complaint that the original documents are lost and thereafter obtained the certificate copy of the missing document and using the certificate copy of the said missing document as primary document, which leads to legal entanglement. Hence the respondent police have to examine the petitioner and the financier whom he had obtained loan. After getting all the details, the respondent police have to conduct thorough enquiry. Thereafter issue the Non-Traceable Certificate to the petitioner.



6. Considering the submissions and on perusal of the materials, this Court directs the petitioner to appear before the respondent police, handover the copy of the complaint dated 07.08.2021, along with the necessary documents and the persons known about the facts of the case and also the financier, to whom the document was pledged and obtained loan. Thereafter necessary orders would be passed.

7. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Erode District,
Erode.
2. The Inspector of Police,
Kodumudi Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.22737 of 2021

PA(CO)
RLP(28/12/2021)