



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

CrI.O.P. (MD)No.1300 of 2021

K.Chandrasekar

... Petitioner

Vs.

State through

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

2.The Deputy Superintendent of Police,
Aravakurichi
Karur District.

3.The Inspector of Police,
K.Paramathi Police Station,
Karur District.

4.S.Venkatachalam

5.Ramamoorthi

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent to cancel the non traceable certificate issued by him, based on the complaint on 01.09.2020.

For Petitioner : Mr.C.Susi Kumar

For R-1 to R-4 : Mr.K.Suyambulinga Bharathi

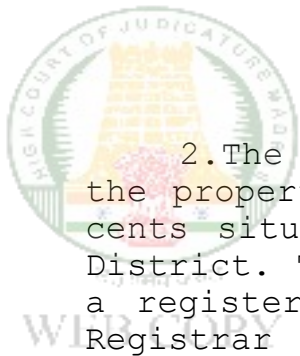
Government Advocate(crl.side)

Mr.MathialaganFor R1&R3For R4

Mr.Karthick For R5

O R D E R

This Criminal Original Petition has been filed seeking a direction to the second respondent to cancel the non traceable certificate issued by him, based on the complaint on 01.09.2020.



2.The case of the petitioner is that he is an absolute owner of the property in Survey No.72/1, 72/2 and 72/3 measuring 7 acres 34 cents situated in Kuppandampalayam Village, Avinasi Taluk, Tirupur District. The said property was purchased by the petitioner through a registered sale deed in Document No.712/2006 registered at Sub Registrar Office, Avinasi. The petitioner executed the above mentioned property in favour of the fourth respondent, without getting any consideration for getting loan from the bank, since the fourth respondent is a close relative. Subsequently, there was a misunderstanding between the petitioner and the fourth respondent. Due to which, the fourth respondent tried to execute the property in the name of a third party. Immediately, on 28.01.2020, the petitioner has given an objection letter to the Sub Registrar showing all the original documents and narrated the entire facts and also requested not to register any subsequent sale in respect of the above mentioned property. However, the fourth respondent executed the property to the fifth respondent. Subsequently, the fourth respondent has given a complaint before the second respondent stating that he has misplaced the parental documents as well as the sale deed and got non traceable certificate from the second respondent. Using the same, he has registered the sale. Therefore, on 03.07.2020, the petitioner has given a complaint before the second respondent to cancel the non traceable certificate. However, the second respondent did not cancel the non traceable certificate, which was obtained illegally. Thereafter, the petitioner sent a representation to the first respondent on 01.10.2020 and there was no progress. Hence, the petitioner approached this Court with the aforesaid relief.

3.The learned Government Advocate (crl.side) would submit that the petitioner appeared before the second respondent herein and produced all the original documents, which were available with him. Previously on the basis of the complaint given by the fourth respondent herein, a non traceable certificate was issued by the second respondent herein.

4.It appears that they are some disputes between the petitioner and the fourth respondent herein and they have to workout the remedy only before the proper civil Court and this Court does not want to go into those aspects now. The simple point which arises for consideration is whether the non traceable certificate issued by the second respondent must remain without cancelling.

5.In view of the above, the petitioner should appear before the second respondent herein and produce all the original documents and the second respondent shall verify the same and thereafter, cancel the non traceable certificate issued by him, if all the documents are genuine.



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

WEB COPY

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

CP

To

1.The Superintendant of Police,
Karur,
Karur District.

2.The Deputy Superintendant of Police,
Aravakurichi
Karur District.

3.The Inspector of Police,
K.Paramathi Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.KARTHIK, Advocate (SR-17799[F] dated 28/04/2021)

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Crl.O.P.[MD]No.1300 of 2021
27.04.2021

GS (9.06.2021) 3P 6C