



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.809 of 2022

T.M.Kaliyannan

... Petitioner

Vs.

1.The Superintendent of Police,
Erode.

2.The Inspector of Police,
Bungalow Pudur Police Station,
Gobi Taluk, Erode District.

3. Raja

... Respondents

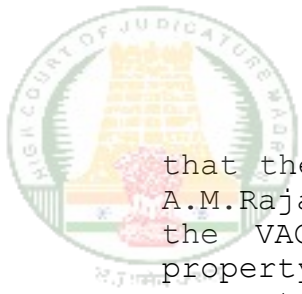
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to issue "Non traceable Certificate" pursuant to CSR No.204 of 2021 dated 29.11.2021 on the file of the Inspector of Police, Bungalow Pudur Police Station.

For Petitioner	:	Mr.B.Manimaran
For Respondent	:	
Nos: 1 & 2	:	Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to issue "Non traceable Certificate" pursuant to CSR No.204 of 2021, dated 29.11.2021, on the file of the Inspector of Police, Bungalow Pudur Police Station.

2.The grievance of the petitioner is that the petitioner is a senior citizen and had inherited some family properties, vide document no.211/1942 and other properties purchased through registered sale deeds in document Nos.311/1984, 734/1987 and 1892/2013. Since then, the petitioner is in the possession and enjoyment of the said property for the past 69 years and patta also transferred in the petitioner's name in patta nos.196, 245 and 949. Those documents were taken by the petitioner for taking photostat copies near bus stand and the petitioner proceeded in his way and thereafter, the documents found missing. The petitioner in a vernacular daily, Tamil Sudar, on 23.10.2021, had given a public notice. Till date, the petitioner is unable to trace his documents and the original documents have been lost. The petitioner apprehends



that the documents would have been taken by his brother in law A.M.Raja. The petitioner had also obtained a certificate from the VAO that the petitioner is in the enjoyment of the property. The petitioner is enjoying and cultivating the property and the petitioner had lodged the complaint to the Sub Inspector of police, on 11.10.2021 and so far no action taken. Thereafter, the petitioner again made further representation to the Superintendent of Police, on 24.11.2021, but, till date no action taken. He further submitted that the petitioner had taken his second wife Radhamani and K.Sekar his legal heir to the SRO office and wanted to settle the properties in their favour. At that time, the SRO refused to execute the settlement deed since the original documents are not available. Hence, the petitioner needs non traceable certificate so that the certificate can be used as a primary document.

3. The learned Additional Public Prosecutor submits that CSR No.204 of 2021 assigned on the complaint dated 29.11.2021. The petitioner as well as the counter complainant A.M.Raja called for enquiry. The petitioner's first wife is alive. The petitioner during her lifetime had married one Radhamani as second wife, which is not a valid marriage, due to which, there is dispute between the first and second wife of the petitioner. The petitioner intends to settle his properties to his second wife which is objected by the first wife. Further, when the said A.M.Raja was enquired with regard to the documents, he has stated that only photocopies of the documents had been handed over by the petitioner and the same has been submitted to the Tahsildar and the originals were not available with the said A.M.Raja and hence, enquiry in CSR No. 204 of 2021 was closed on 10.12.2021. He further submits that only after detailed enquiry and investigation, the veracity of the complaint to be decided.

4. In view of the same, it would be appropriate that the petitioner to appear before the respondent police and give all particulars to the respondent police. During the enquiry, the petitioner, his first wife, second wife and all the legal heirs to be called for enquiry and the respondent police to conduct enquiry and thereafter to take appropriate action. If the contentions of the petitioner found to be true, non traceable certificate would be issued otherwise, appropriate action will be initiated for giving a false complaint and wasting the time of the investigating agency. Accordingly, this criminal original petition is disposed of.

Sd/-

Deputy Registrar (CO)

//True Copy//

Sub Assistant Registrar



To

1.The Superintendent of Police,
Erode.

2.The Inspector of Police,
Bungalow Pudur Police Station,
Gobi Taluk,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Manimaran, Advocate, S.R.No.3889

CRL.O.P.No.809 of 2022

RP(CO)
GN(01/02/2022)