



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

WP.CrI. No.734 of 2026

R. Murali

..Petitioner(s)

Vs

1. The Superintendent of Police
Office of Superintendent of Police,
Karaikal (South)
2. The Inspector of Police
T.R. Pattinam Police Station,
Karaikal.
3. The Station House Officer/
Sub Inspector of Police
T.R. Pattinam Police Station,
Karaikal.
4. The Sub Inspector of Police
Crime Records Bureau,
Puducherry.
5. P. Veerakumar

..Respondent(s)

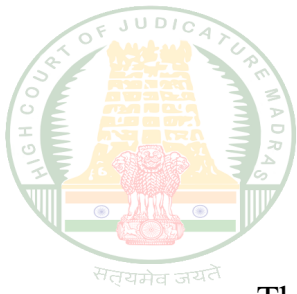
Prayer:- This petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari or any other appropriate writ or order in the nature of Writ of Certiorari, call for the records relating to the “Missing Certificate No.224” dated 30-10-2019 issued by the 3rd Respondent and quash the same as illegal, arbitrary and void.

For Petitioner(s):

Mr.S.Thiruvengadam

For Respondent(s):

Mr.M.V. Ramachandra Murthy
Public Prosecutor (Puducherry)

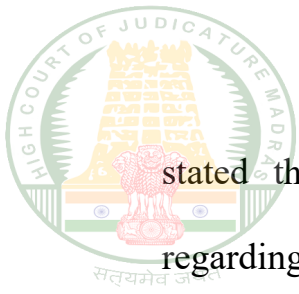


ORDER

WEB COPY

The petitioner as a complainant had filed a complaint under Section 138 of the Negotiable Instruments Act, against the fifth respondent. This matter is pending trial in C.C.Nos.187 & 188 of 2021 before the learned District Munsif cum Judicial Magistrate, Tharangambadi.

2.The complaint pertains to the dishonour of cheque No.344605 dated 14.09.2020 drawn on Canara Bank, Poovam Branch, for a sum Rs.20,00,000/-. During the trial, seven witnesses were examined. The defence raised by the fifth respondent is that his cheque book which including cheque No.344605 dated 14.09.2020, was missing. On 08.10.2024, P.W.4. / second respondent, who is the Inspector of Police, T.R.Pattinam Police Station, was examined. He deposed that on 29.10.2019, a complaint was received from the fifth respondent stating that on 20.10.2019, three cheque books had gone missing; subsequently, on 30.10.2019, a Missing Certificate No.224 was issued. However, he admitted that no formal enquiry was conducted by the respondent Police. He further deposed that no information regarding the lost documents was sent to the Crime Records Bureau and not published in C&O Sheet. Similarly, P.W.6 / third respondent stated that no efforts were made to trace the lost documents and P.W.7 / first respondent deposed that no receipt issued for the complaint regarding lost documents but an entry was made in General Diary. He further



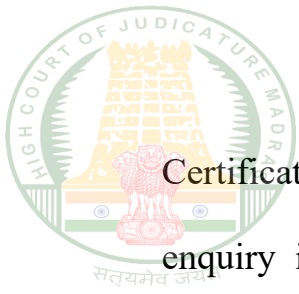
stated that the fifth respondent has not produced any paper publication regarding the lost documents.

WEB COPY

3. In light of these facts, the trial Court observed that as the fifth respondent had produced the Missing Certificate dated 30.10.2019 issued by the T.R.Pattinam Police, Karaikal, the veracity of the same must be verified by the petitioner. Consequently, the petitioner had collected the relevant documents and filed the present petition.

4. The learned counsel for the petitioner referring to page 15 of typed set of papers submitted that a complaint dated 29.10.2019 given by the fifth respondent was recorded by the TR pattinam Police in GD Volume: 55 at 18.30.hours. On the very next day that is on 30.10.2019 T.R.Pattinam Police, Karaikal, issued the Missing Certificate to the fifth respondent. He contended that issuance of the said Missing Certificate was improper and in violation of the established guidelines for issuing Missing Certificates.

5. The learned Additional Public Prosecutor submitted that the Missing Certificate issued on 30.10.2019 requires further investigation. He stated that the Certificate was given solely for the purpose of blocking the cheques at Canara Bank, Poovam, Karaikal, and not for any other reason. He further submitted that, since the complaint was received on 29.10.2019 and the Missing

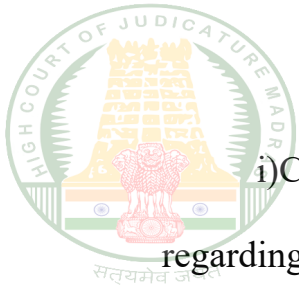


Certificate was issued within twenty four hours i.e on 30.10.2019, a detailed enquiry is necessary. He stated that after conducting an enquiry with the petitioner, if it is found that the Certificate was issued without following the due procedure, it would be cancelled. He further submitted that there is also Civil Suit in O.S.No.30 of 2021 pending before the learned District Munsif Cum Judicial Magistrate, Tharangambadi, between the petitioner and the fifth respondent.

6.Heard the learned counsels on either side and perused the materials available on record.

7.It is evident that while the fifth respondent submitted a complaint to the Sub Inspector of Police, on 29.10.2019, the Missing Certificate was issued the very next day, i.e on 30.10.2019. This Court is of the view that for issuing a Missing Certificate, the procedure mandates that a proper enquiry be conducted, a newspaper publication be made, and verification be sought from the Crime Records Bureau (CRB) before Missing Certificate is issued. In the case on hand, no such procedures followed.

8.In view of the above, the impugned Missing Certificate No.224 dated 30.10.2019 issued by the third respondent is set aside. The respondent Police are directed to:-



i) Conduct a fresh, thorough enquiry into the fifth respondent's claim regarding the lost documents.

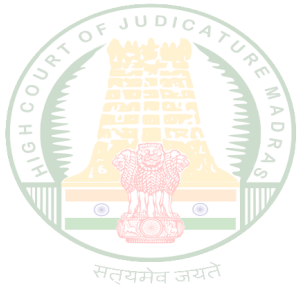
ii) The petitioner is directed to appear before the T.R. Pattinam Police Station and produce all supporting documents to assist in this enquiry.

iii) Following the enquiry and adherence to the prescribed legal procedures (including CRB verification and public notice), the respondent Police shall pass fresh orders on the fifth respondent's request.

9. Accordingly, the Writ Petition (Criminal) is disposed of. No costs.

22-04-2026

ep



WEB COPY

WP CrI. No. 734 of 2



M.NIRMAL KUMAR, J.

ep

To

1. The Superintendent of Police
Office of Superintendent of Police,
Karaikal (South)
2. The Inspector of Police
T.R. Pattinam Police Station,
Karaikal.
3. The Station House Officer/Sub Inspector of
Police
T.R. Pattinam Police Station,
Karaikal.
4. The Sub Inspector of Police
Crime Records Bureau,
Puducherry.
5. The Public Prosecutor
Puducherry.

WP CrI. No. 734 of 2026

22-04-2026