

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17687 of 2016

Loganayaki

...

Petitioner

Vs

State Rep by

The Inspector of Police,
R10, M.G.R.Nagar Police Station,
K.K.Nagar, Chennai.

...

Respondent

Amended as per order dated 30.8.16 made in Crl.MP.No.8929/16

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to investigate the case and to file a final report within a stipulated period in Cr.No.459 of 2014 on the file of the respondent police.

For Petitioner :Mr.A.Ilangovan

For Respondent :Mr.M.Mohamed Riyaz

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent to investigate the case in Crime No.459 of 2014 on the file of the respondent police and to file a final report.

2. On the complaint lodged by Loganayaki that her husband Pandian working as auto driver went missing, the respondent police have registered a case in Crime No.459 of 2014 on 15.04.2014 under "man missing" and investigation is in progress.

3. The police have filed a status report detailing the steps that have been taken them to trace the petitioner's husband, which is as follows :

3. It is submitted that based on the above complaint, CSR.No.80/2014, dated 11.04.2014 was issued by Tr.Soundharrajan, the then Sub-Inspector of Police and enquired the petitioner. After enquiry, a case was registered in R-10, M.G.R. Nagar Police Station, Crime No.459/2014 u/s. "Man Missing" on 15.04.2014 at about 20.00 hours by the then Sub Inspector of Police and taken up the case for investigation.

4. It is submitted that the then Sub Inspector of Police, examined the following witnesses namely:

- 1) Tmt.Loganayaki - defacto complainant / petitioner / wife of the Missing Man
- 2) Tmt.Chinammal - mother of the petitioner,
- 3) Tr.Krishnamoorthy-friend of the Missing Man
- 4) Tr.Ravi - friend of the Missing Man
- 5) Tr.Rajendran - relative of the Missing Man

and recorded their statements. Witnesses 2 to 5 have corroborated the same version of the defacto complainant/petitioner. Witness-1 stated that her husband Tr.Pandian hidden by his relatives and during the year 2012, the petitioner's husband had illegal intimacy with one Maruthayee who is resided at Illayangudi, Sivagangai District and thereby the defacto complainant/petitioner went there and also on 20.02.2012 lodged a complaint before the Illayangudi Police Station, and the police traced the Missing Man and also received written statement from the Missing Man.

5. It is submitted that on 04.06.2015 Tr.C.Subramanian, the then Inspector of Police taken up the investigation and further re-examined the above said witnesses and recorded their statements. On 07.06.2015, the then Inspector of Police, deputed one Tr.Ramamoorthy, Grade-I, 25978 to visit Illayangudi and he went there and enquired the witnesses namely 1) Tr.Ramanathan 2) Tr.Ganesan and 3) Tr.Murugan and recorded their statements. But no clue was obtained. Based on the above witnesses statements, the above constable went to Paramakudi, which is a native place of Maruthayee and enquired Marudhayee and her husband Maruthu and recorded their statements. But all the efforts ended in vain.

6. It is submitted that on 27.06.2015, the petitioner came to the respondent police station and informed that one Nagalakshmi, Chittalapakkam and another one Ganesan, Madambakkam are the dhobis who are well known about the Missing Man. Again the then Inspector of Police, deputed one Tr.Thirumurugan, HC-17714 for effective enquiry and thereby the Head Constable enquired them and obtained their statements. In the statements, they stated that they have not seen the Missing Man for

the past three years.

7. It is further submitted that on 27.07.2015, then Inspector of Police, deputed one Tr.Subramani, Grade-I, 35773, and the constable along with the petitioner went to Tiruppur to trace the Missing Man and enquired the witnesses Tr.Sivakumar and Tr.Shanmugam and enquired about the Missing Man with help of the photograph to the Public in auto stand, market, bus stand and railway station etc., but efforts ended in vain.

8. It is submitted that during the year 2015, the then Inspector of Police have formed Special Team, obtained the details of the unidentified dead bodies through Tamil Nadu Public Network and the missing man photo was compared with the unidentified dead bodies based on age, height, size and colour, but no clue was obtained.

9. It is submitted that then Inspector of Police, visited the places like Maduravoyil, Porur, Ramapuram, Poonamallee, Sriperumbuthur, Parrys Corner area, Egmore, Tambaram, Guindy, Vadapalani, Koyambedu, Chinmiya Nagar on various dates and verified about the "Missing Man" Pandian by showing his photograph. Subsequently, then Inspector of Police with his full efforts continued in searching the missing man in the jail records, homes, de-addiction centres, government hospitals in and around Chennai City. But no useful clue was obtained.

10. It is submitted that then Inspector of Police, filed a status report before this Hon'ble High Court, Madras vide H.C.P.No.1064 of 2015 and same was disposal on 16.11.2015. The court order as follows :-

"3.The second respondent appeared before this court and submitted that she is a married person and she does not know about the whereabouts of the petitioner's husband. However, since the petitioner's husband is aged about 38 years and that there is no illegal custody by the second respondent, this is not a fit case to issue Writ of Habeas Corpus.

4. Accordingly, the petition is closed. However, the respondent police is directed to proceed with the enquiry and keep the petitioner informed of the developments, if any."

11. It is submitted that on 09.01.2016, I have taken up the investigation and re-examined the above said witnesses and also examined the witnesses, namely,

- 1)Tr.Ravichandran - Auto driver, Nesapakkam, Chennai.
- 2)Tr.Krishnamoorthy - Auto driver, Nesapakkam, Chennai.
- 3)Tr.Thiyagarajan - Street Business, Guindy, Chennai.
- 4)Tr.Deenadhayalan - Street Business, Guindy, Chennai.
- 5)Tr.Kuppusamy - Business Man, K.K.Nagar, Chennai.
- 6)Tr.Palani Muthu - Business Man, K.K.Nagar, Chennai.
- 7)Tr.Murugan - Auto driver, Choolaipullam, Chennai.
- 8)Tr.Natarajan - Auto driver, MGR Nagar Market, Chennai.
- 9)Tr.Vasanth - Business man, K.K.Nagar, Chennai.
- 10)Tr.Sathishkumar-Auto driver, MGR Nagar Market, Chennai.
- 11)Tmt.Lakshmi - Tiffin Shop, Ashok Nagar, Chennai.
- 12)Tr.Saravanan - Business Man, Nesapakkam, Chennai.

12. I submit that though all the efforts taken by the Special Team ended in vain, the respondent police is still taking continuous and sincere steps to trace the missing "Missing Man" Pandian.

4. Recording the same, this petition is closed with a direction to the respondent police to keep the petitioner informed if they receive any information about her husband.

Sd/-
ASST. REGISTRAR

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SUB ASST. REGISTRAR

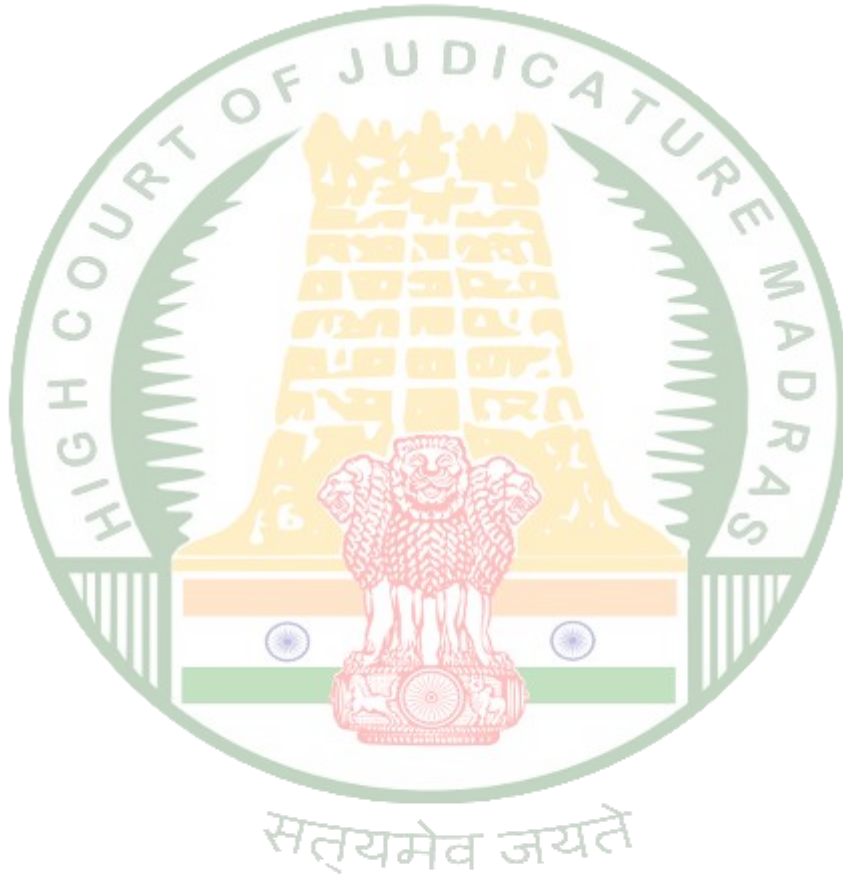
To
1 THE INSPECTOR OF POLICE,
R10 MGR NAGAR POLICE STATION,
K.K. NAGAR, CHENNAI.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC TO MR.A. ILANGO VAN, ADVOCATE SR.NO. 56973/16

CrI.OP.No.17687 of 2016

CA(CO)
MMP 12.11.2016



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