

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.19270 of 2018

Rekha @ Ganthimathi

... Petitioner

Vs.

The State rep. by its
Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to provide the closure report in Cr.No.203 of 2007 on the file of the respondent police.

For Petitioner : Mr.R.Ganeshkumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the respondent police to provide a closure report in Crime No.203 of 2007.

2. The learned counsel for the petitioner would submit that the petitioner's husband had left the matrimonial home in the year 2007 and thereafter, he had not returned back to the home. Therefore, a man missing complaint was given to the respondent police and the same was registered in Crime No.203 of 2007. Thereafter, the respondent police have not made any improvements in the investigation and therefore, the present petition has been filed seeking for a closure report by the respondent police.

3. This Court had an occasion to deal with the issue as to how the respondent police will have to continue with the investigation in all man missing cases. The relevant portion of the Judgment passed by this Court in HCP No.1454 of 2014, order dated 12.09.2014, is extracted hereunder:

" 6.This issue had cropped up earlier also before this Court in HCP No.658/2003 and this Court had passed an order on 05.08.2003, directing the police to put in place a procedure for tracking down missing persons,, pursuant to which the Office of the Director General of Police, Tamil Nadu, issued the following Circular Memorandum:

"C.No.016781/Cr.3(1)2005 Office of the
Director General of Police Tamil Nadu, Chennai -
600 004. Dated: 31.1.2005.

CIRCULAR MEMORANDUM

Sub: Missing Persons - Certain instructions -
Issued

Ref: 1) Chief Office Memo in Rc.No.2110/
128992/Cr.II(I)/2003, Dt 27.06.2003.
2) Order of the High Court, Madras, HCP
No.658 of 2003 Dt 05.08.2003.
3) Chief Office Memo in C.No.84/CIG/
MOB/2003 Dated 13.08.2003.
4) Chief Office Memo in R.C.No.
84/MOB/SCRB/2003 dated 19.01.2005.

In several cases, Hon'ble High Court of Madras has observed that the investigations relating to Missing Persons are perfunctory. It is therefore necessary to streamline the investigation relating to Missing Persons.

2)It is seen that, during investigations, cases of missing persons, kidnapped, deserters, wanted criminals, escaped criminals, unidentified dead bodies etc., the computerised "Talash" software is not being availed of by the field officers. In order to streamline the process of monitoring and supervision, the following instructions are hereby issued:-

(i) Police Computer Wing (SCRB) will circulate the seven forms (i.e. for Missing, Kidnapped, Deserter, Wanted, Escaped, Unidentified Person, Unidentified Dead body) to District Superintendents of Police and Commission of Police.

(ii) Sufficient forms will be supplied by COPs/SPs to PS.

(iii) Immediately after registering the case, (Missing, Kidnapped, Deserter, Wanted, Escaped,

Unidentified Person, Unidentified Dead Body), wireless messages should be sent to DSPs, Police Computer Wing, DCRB and Modus Operandi Bureau by the Investigating Officer.

(iv) The SHOs will prepare "Talash" Forms for all cases reported in 2005 and send them to DSPs, Police Computer Wing, DCRB and Modus Operandi Bureau, if not already sent

(v) The IOs will collect Photos of Missing/Unidentified Dead bodies and send it to DSPs Police Computer Wing, DCRB and Modus Operandi Bureau.

(vi) Police Computer Wing will develop a software to match all the seven categories on different parameters, Photographs should also be included. The Dy. Superintendent of Police, Police Computer Wing will submit a project report on this within two months.

(vii) Manual verification should be done in Police Computer Wing forming a Special Team consisting of one Inspector of Police and three Police Constables.

(viii) The circular vide reference third cited is being sent again to all District Superintendents of Police and Commissioners of Police to reiterate the procedure that should be followed strictly.

(ix) Investigating Officer should be Inspector of Police.

(x) Instructions given in the reference third cited above should be followed strictly for reviewing the progress of the cases.

(xi) Special Cell consisting of one SI, two HCs and two PCs should be formed in the Districts to collect relevant details in all the seven categories.

(xii) Monthly meeting by SP should be conducted with IOs and DSPs to monitor the progress of the case.

(xiii) In all the cases of Missing, Kidnapped, Deserter, Wanted, Escaped, Unidentified Person, Unidentified Dead body and, when traced, message should be flashed to DSPs, Police Computer Wing, DCRB and Modus Operandi Bureau.

3) The standardised proforma has been designed to be used in all the cases, is enclosed.

4) The consolidated database should be maintained at Police Computer Wing and a search should be done immediately after receiving messages from Districts.

5) The system should be followed with immediate effect. A compliance report should be sent to Addl. Director General of Police, Law and Order on or before 05.02.2005.

6) The receipt of this memorandum should be acknowledged.

Sd/- Director General of Police
Tamil Nadu, Chennai - 4."

7. In Tamil Nadu, there are at present 40 Police Districts including 7 Commissionerates, 2 Railway Districts and 31 Districts. Each Police District has a District Crime Record Bureau [for brevity 'DCRB'] functioning under the control of a separate Deputy Superintendent of Police in the Office of the Superintendent of Police of the District. The Apex body in the State is the State Crime Record Bureau [for brevity 'SCRB'], which is under the control of an Officer of the rank of Additional Director General of Police. Whenever a FIR is registered under the caption "man missing", the photograph of the missing person and other details are required to be sent by the Station House Officer of the concerned Police Station to the DCRB, which in turn would send the details to the SCRB. The SCRB will host the entire details in the Tamil Nadu Police Website, which can be accessed by any member of the public by logging into www.tnpolice.gov.in and can view the details of the missing person. Similarly, when an unidentified body is found, the police will register a FIR u/s 174 Cr.P.C., take photographs, conduct inquest and will despatch the body for post-mortem to the Government Hospital. The

concerned Station House Officer will pass on these details to the DCRB, which in turn will transmit it to the SCRB and these details along with the photograph of the unidentified body will be hosted in the Tamil Nadu police website. In the SCRB, there is a special team of Officers who analyse the cases relating to missing persons and try to match it up with the cases relating to unidentified bodies. This Team has done commendable work and has been able to solve number of cases of man missing. In fact, even in this case, the matching was first done by the SCRB and Cuddalore Police was intimated by them. They have also solved a few murder cases by matching the profile of missing persons with that of unidentified bodies.

15. We have laboured to extract all the extant rules and instructions on the subject, in order to facilitate the legal community to properly guide the kith and kin of missing persons when they approach them for help.

16. To sum up:

a) The Police shall immediately register an FIR whenever a case of 'Man missing' is reported and follow the Circular dated 31.01.2005 issued by the Director General of Police.

b)"

4. In view of the above, the respondent police is directed to follow the above guidelines issued by this Court and continue with the investigation in accordance with law.

5. With the above observations, this Criminal Original Petition stands disposed of.

सत्यमेव जयते

Sd/-
Assistant Registrar (CS-IX)

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Sub Assistant Registrar

nmm/dss

To

1. The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.

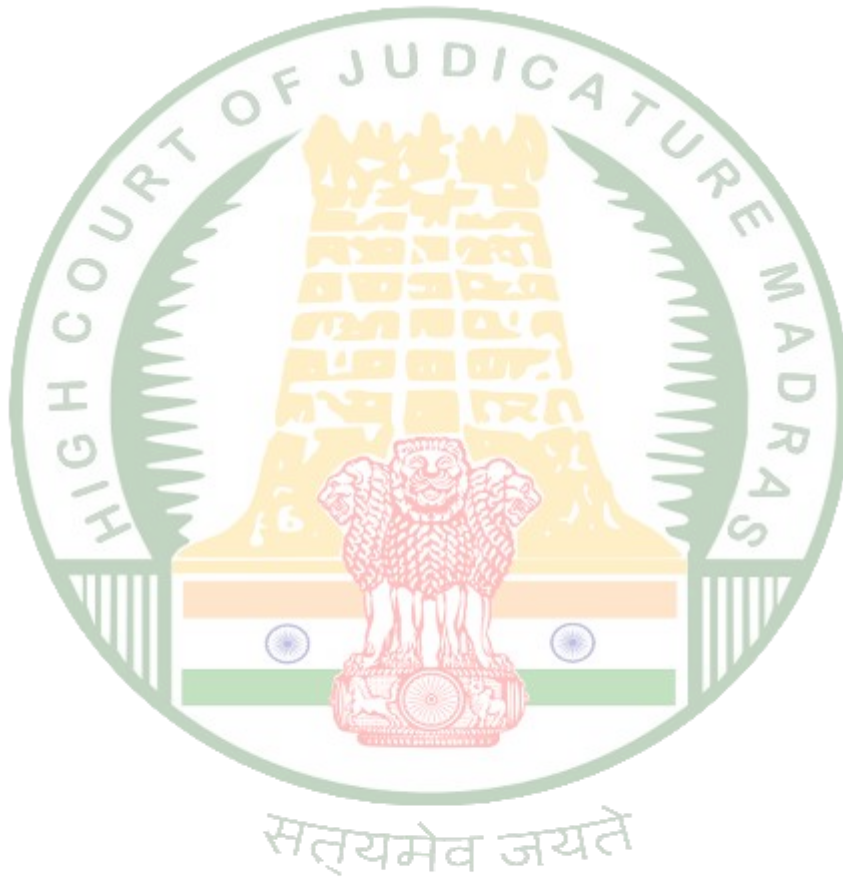
2. The Additional Public Prosecutor
Madras High Court, Chennai.

+1cc to Mr.R.Ganeshkumar, Advocate SR.No.77112

CrI.O.P.No.19270 of 2018

KS (CO)

GMV (26/11/2018)



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