

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO. 23122 OF 2008

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for respondents 1 to 3.

2. The prayer sought in the Writ Petition is as under:

“... to issue an order, direction or Writ more in the nature of Writ of Mandamus directing the respondents herein to constitute a Special Investigating Team of Police Officers to investigate into the complaint of disappearance of petitioner's daughter in FIR.No.98/2008 dated 4.8.2008 on the file of 2nd respondent police station and restore petitioner's daughter to him forthwith in the interest of justice and equity or to entrust the investigation to any other state investigation agency (state CID).”

3. The case of the petitioner is that his daughter Smt. Venkata Maruthi Valli Rajya Lakshmi, disappeared from the custody of her husband and his family members from 4.8.2008. On 4.8.2008, his son-in-law along with his mother and their relatives visited his house. At that time, the petitioner was in his shop. He was informed that when there was exchange of words between their family members and his daughter, his daughter on the ground of taking his daughter-in-law to hospital, left the house and did not return. In that connection,

the petitioner lodged a complaint leading to registration of crime No.98/08. Since the respondent Nos. 1 to 3 were not taking any action, the present Writ Petition is filed.

4. In the counter affidavit of respondent No.1, it is stated that pursuant to the complaint lodged by the petitioner, crime was registered vide FIR No.98/2008 on 4.8.2008 itself by respondent No.2. During the investigation, the investigating officer examined as many as 18 witnesses including the petitioner, his wife and his two sons and recorded their detailed statements. The husband and the in-laws of the missing woman were also examined and they were thoroughly interrogated. The investigating officer also gave a press note with the descriptive particulars and the latest photo of missing woman to all the daily Telugu news papers with a request to publish the clippings and the same was properly published in all the daily news papers. A Radio message was flashed to all the Inspectors of Police in Guntur Range, Krishna and Vijayawada city with the particulars of the case on hand. Message was also sent through A.P.P.M. system to all the S.H.O.s in the State. The information was also submitted to the Criminal Intelligence system with the photo of the missing woman. Further, the investigating officer formed a special team for making efforts to trace the missing woman. The particulars of

the missing woman were also published in the district editions and later in the main editions of the leading daily news papers. A reward of Rs.25,000/- was also announced for clues that enable the investigating officer in tracing the missing woman. Big posters were got printed and got pasted on the RTC buses and lorries that go to different places. In fact, the investigating officer also obtained call details of the cell phones of the husband, the petitioner and the driver of the auto who is working for the husband of the missing woman and analysed the same, but no clues were found about the missing woman. Since allegations were made against the husband and mother-in-law of the missing woman, they were sent to Polygraph test. After examination, the FSL authorities gave their opinion vide report dated 6.12.2008 stating that the said test specifies that the statements made by them do not indicate that they are involved in committing the crime under investigation and their statements appear to be true. The Narco analysis test sought to be conducted, could not be done in the light of the law laid down by the Hon'ble Apex Court.

5. On 7.11.2017, this Court directed the Government Pleader to obtain the latest information with regard to the missing woman and produce the CD file for appraisal to this Court.

6. Pursuant thereto, a detailed report has been filed along with photographs on 24.10.2018.

7. From the report submitted by the Inspector of Police i.e., respondent No.2, it is revealed that the investigating officer has taken all the necessary steps to trace out the missing woman.

8. Today, the entire CD file has been produced before this Court. From the perusal, it is seen that the steps taken by the investigating officer from 7.8.2008 to 22.10.2018 have been mentioned in the form of recording of statements, issuance of radio messages, publication of the photographs of the missing woman in different places, conducting of Polygraph test, initiation of proceedings for sending the husband and mother-in-law of the missing woman to Narco analysis test. From the report as well as from the perusal of the CD file, this Court has no hesitation in observing that the investigating officer has taken all the necessary steps available under law to trace out the missing woman.

9. Today, learned counsel appearing for the petitioner submitted that by virtue of introduction of facial recognition system, the missing persons are being identified in a short time. The said system also has been adopted by the State of Andhra Pradesh. Therefore, the respondents may be directed to follow the said system also to trace out the missing woman.

10. Learned GP appearing for respondent Nos. 1 to 3 submitted that the investigating officer will also adapt the facial recognition system to identify the missing woman.

11. Learned counsel appearing for the petitioner strenuously contended that since the respondents are not able to trace out the missing woman and since there is negligence on their part at the inception, the matter may be entrusted to a special agency to identify the missing woman.

12. From the perusal of the report as well as the CD file placed before this Court, this Court is not inclined to accept the said request made by the learned counsel for the petitioner.

13. The Sub-Divisional Police Officer, East Sub-Division, Guntur (U) issued proceedings C.No.23/Ref/SDPO-East/2018 dated 31.1.2018 to the effect that after perusing the CD file and in the light of the investigation made by the SHO, old Guntur P.S. and basing on the provisions of Section 108 of the Indian Evidence Act, 1872, accorded permission to refer the case as “undetectable” and the investigating officer was further instructed to submit the final report before the Court along with served notice to the complainant and obtain RCS proceedings within a week. It is also intimated in these proceedings that if the investigating officer gets any clues, the case will be re-opened and the investigating officer has to bear

the complete responsibility in respect of any allegations that come for in the future.

14. Since this Court is satisfied with the investigation so far conducted to trace out the missing woman, and since the Writ Petition is of the year 2008, this Court is of the opinion that the Writ Petition may be closed with a further direction to the respondents to put efforts to trace the missing woman by following the facial recognition system also.

15. In these circumstances, the Writ Petition is disposed of with a direction to the respondents to pursue the investigation even by following the facial recognition system.

16. It is needless to observe that as and when the whereabouts of the missing woman are traced out, the same may be intimated to the petitioner and the other family members.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

P. KESHAVA RAO,J

Date: 31.10.2018

KPM