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H.C.P.No.2556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.12.2022

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.2556 of 2022

T.Nithyanandan

.. Petitioner

Vs.

1.The State rep. by  
The Commissioner of Police  
Greater Chennai  
Vepery, Chennai-7

2.The Inspector of Police  
Pulianthope Police Station  
Pulianthope  
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the 2<sup>nd</sup> respondent to produce the petitioner's mother T.Jayamani, W/o.Thatchanamoorthy, aged about 62 years, before this Court and set her at liberty.



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For Petitioner : Mr.S.Karthikeyan  
For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

**ORDER**

[Made by N.ANAND VENKATESH, J.]

This petition has been filed for a direction to the 2<sup>nd</sup> respondent police to produce the petitioner's mother viz., T.Jayamani, aged about 62 years, who went missing on 27.02.2022.

2. Today, Mr.M.Chelladurai, Sub-Inspector of Police, P-1 Pulianthope Police Station, is present before this Court.

3. The learned Additional Public Prosecutor, on instructions, submitted that, the detainee was suffering from psychiatric problem and she was taking treatment at the Institute of Mental Health, Kilpauk; the detainee suddenly went missing on 27.02.2022 and based on a complaint given by the petitioner, a “woman-missing” FIR has been registered in Crime No.180 of 2022 by the 2<sup>nd</sup> respondent police on 07.03.2022. The learned Additional



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Public Prosecutor further submitted that all steps have been taken to find out the whereabouts of the detainee.

4. In the considered view of this Court, it will be suffice, if a direction is issued to the 2<sup>nd</sup> respondent to proceed further with the investigation in Pulianthope P.S. Crime No.180 of 2022, in line with the instructions given by the Director General of Police, Tamil Nadu, *vide* Circular Memorandum in C.No.016781/Cr.3(1)2005 dated 31.01.2005, issued pursuant to the directions of this Court in H.C.P.No.658 of 2003 *vide* order dated 05.08.2003, which were reiterated in *K.Sukumari Vs. The Superintendent of Police, Virudhunagar District, Virudhunagar and Others [2018-2-LW (Crl) 636]*. For the sake of ready reference, the said Circular Memorandum is usefully extracted :

**“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.

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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.*



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(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."

5. Accordingly, the 2<sup>nd</sup> respondent police is directed to proceed further with the investigation in Pulianthope P.S. Crime No.180 of 2022, in line with the instructions given by the Director General of Police, Tamil Nadu, *vide* Circular Memorandum in C.No.016781/Cr.3(1)2005 dated 31.01.2005, extracted above. This Court also directs the Assistant Commissioner of Police, Pulianthope, to supervise the investigation in Pulianthope P.S. Crime No.180 of 2022 and ensure that the investigation is completed expeditiously and on finding the whereabouts of Jayamani, the petitioner shall be posted of the same. As and when the detenue *viz.*, Jayamani is secured, she shall be produced before the X Metropolitan Magistrate, Egmore, under due intimation to the petitioner. On such production, the learned Magistrate



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shall pass appropriate orders with regard to the custody of Jayamani.

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[P.N.P., J.] [N.A.V.,

J.]

13.12.2022

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To

1.The Commissioner of Police  
Greater Chennai  
Vepery, Chennai-7

2.The Assistant Commissioner of Police  
Pulianthope.

3.X Metropolitan Magistrate  
Egmore

4.The Inspector of Police  
Pulianthope Police Station  
Pulianthope  
Chennai

5.The Public Prosecutor  
High Court, Madras

P.N.PRAKASH, J.



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AND  
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