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Crl.R.C.No.373 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.373 of 2025

G.Ganesh

... Petitioner

..VS..

State of Tamil Nadu
Rep.by Sub Inspector,
Central Crime Branch,
Conventional Crime,
Vepery, Chennai – 600 007,
Crime No.1757 of 2011.

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 of BNSS, 2023, to set aside the order dated 29.11.2024 passed in Crl.M.P.No.10491 of 2023 in Crime No.1757 of 2011 on the file of the learned XI Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner	:	Mr.B.Arvind Srevatsa
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor



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ORDER

This Criminal Revision Petition has been filed against the order dated 29.11.2024 passed in Crl.M.P.No.10491 of 2023 in Crime No.1757 of 2011 on the file of the learned XI Metropolitan Magistrate Court, Saidapet, Chennai.

2. According to the petitioner, on 19.09.2011 at around 5.30 p.m., his child Kavitha, aged about 1 year 10 months was missing. Hence, the petitioner filed a complaint on the same day itself before the R-5 Virugambakkam Police Station and a case in Crime No.1757 of 2011 was registered as "child missing" case. Though the Police did not take any effective measure to trace out the child, they filed a closure report before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai. Aggrieved by the same, the petitioner filed a Habeas Corpus Petition in H.C.P.No.994 of 2014. This Court *vide* order dated 11.08.2014, directed the Central Crime Branch to investigate the case and inform the petitioner's wife about the progress of the investigation. Pursuant to the



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order dated 11.08.2014 passed in H.C.P.No.994 of 2024, the Central Crime Branch, filed a final report on 28.04.2021 before the learned XI Metropolitan Magistrate, Saidapet, Chennai as "undetectable". Hence the petitioner filed a protest petition in Crl.M.P.No.10491 of 2023 in Crime No.1757 of 2011 before the learned XI Metropolitan Magistrate, Saidapet, Chennai, praying to direct the investigating officer to submit a clear and detailed report in Crime No.1757 of 2011. The learned Magistrate *vide* order dated 13.07.2023, directed the Commissioner of Police, Chennai to constitute a Special Investigating Team and to find out the missing child. As per the direction of the learned Magistrate, the Special Investigating Team filed a status report on 15.10.2024. Considering the said report, the learned Magistrate by order dated 29.11.2024, after giving liberty to the parties, dismissed the said petition as child is "undetectable". Now the said order is under challenge in the present revision.

3. Learned counsel for the petitioner submitted that the respondent-Police failed to follow the guidelines as stated in circular



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No.24013/62/2012-SC/ST-W, Government of India, Ministry of Home Affairs, Centre State Division, dated 25.06.2013 and also failed to conduct proper and thorough investigation independently, filed the final report as child is "undetectable". He further submitted that as per clause XIII of the said Circular, in case a missing child is not traceable within four months from the date of filing of the First Information Report, the matter has to be forwarded to the Anti-Human Trafficking Unit in each State in order to enable the said Unit to take up more intensive investigation regarding the missing child. However, in the instant case, the respondent have not followed the above guidelines. He further submitted that the learned Magistrate failed to note the above facts and erred in concluding the impugned order that despite following guidelines framed by the Hon'ble Supreme Court of India, the respondent was not able to find child after 14 years and dismissed the petition, which warrants interference of this Court.

4. Heard the learned Additional Public Prosecutor on the above submission and also perused the materials available on record.



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5. On a perusal of the entire records, particularly, the report of the respondent-Police clearly shows that they have taken all efforts to trace out the child, despite efforts, they could not trace out the child and hence, they have filed the final report as the child is "undetectable". Further, the circular cited by the learned counsel for the petitioner was issued in the year 2013 and that the child gone missing in the year 2011 itself and hence, clause XIII referred to in the said Circular is not applicable to the present case.

6. In view of the above, this Court does not find any reason to interfere with the order passed by the learned Magistrate. Accordingly, this Criminal Revision Petition is dismissed.

05.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Case Citation : Yes / No
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To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. The Sub Inspector,
Central Crime Branch,
Conventional Crime,
Vepery, Chennai – 600 007.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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