
(2019) 05 DEL CK 0142

In the Delhi High Court

Case No : Criminal Writ Petition No. 1585 Of 2019

Court On Its Own Motion

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 30-05-2019

Acts Referred:

Citation : (2019) 05 DEL CK 0142

Hon'ble Judges : Manmohan, J; Sangita Dhingra Sehgal, J

Bench : Division Bench

Advocate : Sanjay Lao, Sanjay Lao

Judgement

Manmohan, J

1. Present petition has been registered as a writ of Habeas Corpus in pursuance to a direction given by the Public Interest Litigation Committee (PIL Committee) of this Court.
2. It is pertinent to mention that a letter dated 23rd April, 2019 was received by this Court from Mrs. Lalita, resident of Ward No. 3, Dhanko, District Mandla Patan, Madhya Pradesh stating that her daughter Rajmani, who had been working as a maid had been missing from House No. 56, Suvidha Kunj, Pitampura, Delhi since 14th April, 2019.
3. The PIL Committee had sought comments from the concerned Dy. Commissioner of Police vide letter dated 25th April, 2019. Since no response was received, a reminder dated 8th May, 2019 was sent to the concerned Dy. Commissioner of Police.
4. On 22nd May, 2019, a report dated 21st May, 2019 was received from the SHO, Police Station Mangolpuri in which it was stated that an FIR No. 495/2019, dated 18th May, 2019 had been registered and the investigation had commenced.
5. It seems odd that despite the letter dated 23rd April, 2019 having been marked to the police officials and having been received by this Court and despite

this Court asking for comments vide letter dated 25th April, 2019, the FIR was registered only on 18th May, 2019.

6. Due to delay in lodging of FIR the "golden hour" of investigation has been lost and in all probability important leads have dried up.

7. It is pertinent to mention that on 13th May, 2019, this Court in W.P.(Crl.) 737/2019 had directed the Delhi Police to consider allowing online registration of FIRs by way of SMS, emails and WhatsApp. The suggestion was made as it was observed in a number of writ petitions filed by the family members of missing persons either the FIRs had not been registered or had been registered belatedly.

8. With online registration of FIRs, the human interface - which normally causes delay in registration of FIR - would be obviated.

9. Today, a status report dated 29th May 2019 has been handed over by the Dy. Commissioner of Police (Legal Cell), Police Headquarters. The relevant portion of the said status report reads as under:-

"2. In this regard, it is submitted that to reduce human interface and to streamline the process of reporting regarding missing persons including children, an e-facility shall be developed, through which the citizens shall be able to report such missing on the citizen portal of Delhi Police through internet. The service shall be provided at the portal of Delhi Police through internet. This shall ensure prompt and timely police response and take the service delivery closer to the citizens of Delhi."

10. The proposed Road Map for online reporting of missing persons through Delhi Police Web Portal and Mobile Application as explained in Annexure-A to the aforesaid affidavit is reproduced hereinbelow:-

"Proposed Road Map for online reporting on Missing Persons through Delhi Police Web Portal and Mobile Application Background

A facility to lodge online report of a missing person including children on Citizen Portal of Delhi Police through Internet to provide service at the doorstep of citizen and to ensure prompt and timely police response. This service is being launched through Web and Mobile Application to reduce the human interface in lodging of such complaints.

The following procedure/workflow is proposed to facilitate online reporting of missing persons through separate icon on Delhi Police Website & Mobile Phone App.

Procedure/Workflow

Step 1: Submission of Details by the Complainant

It is proposed to provide a link on Delhi Police website i.e. <http://delhipolice.nic.in> to lodge a missing person report on the citizens services. Similar, facility will also be provided through mobile phones.

On clicking the "Report a Missing Person/Child" link, the missing person registration form will seek the following details from the complainant:

1. Personal Details of the person/child missing
2. Photograph of missing person/child - if available
3. Place of missing/Last seen place - if known
4. Date & Time of missing - Approximately
5. Personal Details of the Complainant including address/area police station
6. Mobile No. & Email ID of the Complainant

Step 2:

After submission of above information, the computer application system will generate PDF report and forward it to following stake holders to initiate police response mechanism i.e.

- a) Dispatch PCR Van/Motorcycle
- b) Activate local police station /control room for police action
- c) Acknowledge complainant on email/mobile about receipt of complaint and details of Enquiry Officer
- d) SHO/concerned police station will be alerted simultaneously, if PS area is available
- e) Otherwise, PCR Command Room Call Centre will contact the complainant to ascertain the PS area and initiate the police response mechanism.

Step 3: Enquiry by an Officer

An Enquiry Officer will be assigned at Police Station level for further enquiry as per S.O. No. 252/2010 (Ops. - 47)

Step 4: Registration of FIR

SHO of the concerned area Police Station shall ensure that:-

- a) FIR shall be lodged immediately for children & juveniles upto 18 years and adult if there are specific allegations or suspicion or any foul play
- b) Where no specific allegations are made or suspicion is expressed an FIR shall be lodged as per the provisions of Standing Order being revised on the directions of Hon'ble Delhi High Court in W.P (Crl.) 1560/2017 in the matter of Sadan Haldar Vs. State of NCT of Delhi & ORS.

Step 5: Case Progress

The Complainant will be provided alerts on his/her mobile about progress of the case from time to time.

Step 6: Monitoring

ACP/Sub-Division shall ensure that SHO concerned takes the required action on the information received, within 24 Hours as per Step No. 4 above. ACP and SHO will be able to monitor the progress of action on the pending complaints and cases through their respective Dashboards in CCTNS application on desktop to review action taken as per S.O. No. 252/2010 (being revised as mentioned above)

Timelines and Development Cost

M/s Tech Mahindra, the System Integrator (SI) for the CCTNS Project in Delhi has submitted an initial proposal for development of above system. A timeline of 90 days has been provided by the SI for development, testing & deployment of the required functionality on Web. The Mobile Application may take a further one month.

The total cost estimation for development of Web & Mobile modules is approximately Rs. 8 to 10 lacs.

Note

These proposed web and mobile applications will function on/utilize Delhi Police existing infrastructure i.e. server, storage, networking bandwidth and other existing equipments at Data Centre."

11. This Court appreciates the alacrity with which the Delhi Police has reacted to the suggestions made by it. This Court hopes that the time frame mentioned in the said affidavit and the road map shall be duly complied with.

12. This Court is further of the view that at the police station level as well as at the district level the investigation procedure followed by AHTU/Crime Branch should be replicated. For this purpose, not only the latest technology and training but also the general guidelines in the form of Standard Operating Procedure should be issued and followed at the ground level. The intent behind directing issuance of Standard Operating Procedure/guidelines is not to control the discretion of the investigating officer, but to ensure that certain essential steps like flashing of message on wireless and placing the information of missing person on the ZIPNET are taken in a time bound manner.

13. Let a fresh status report with regard to aforesaid developments be filed within eight weeks.

14. Further, a status report with regard to facts of the present case be filed within four weeks.

15. List on 05th July, 2019.