



## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

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### **SRB/Case 3800/2011-12**

**Name of the complainant : Nandini Shirke**

**V/s.**

**Dy. Commissioner of Police,  
Zone-III, Mumbai**

**Date : 12<sup>th</sup> December, 2013**

**Coram : Justice S.R. Bannurmath  
(Chairman)**

### **ORDER**

Heard Smt. Nandini Shirke the Complainant and Shri. Namdev Bhandgar the present A.P.I of Agripada Police Station and perused the records as well as the Station Diary summoned to consider the correctness or otherwise of the complaint.

In the complaint presented to the Commission the Complainant says that on 07.02.2011 at about 1.30 noon when she had been to the Agripada Police Station to lodge a complaint against her husband and three others including Smt. Nutan Chopra for assaulting the complaint in the house the Police Inspector on duty Shri. Kharade not only refused to take the complaint and on the contrary detained her and her teenage daughter till midnight and thereafter let her to go home.

At this stage, it is not necessary to go into the individual dispute or the incident between the complainant on one hand and her husband and others on the other except nothing that there is a dispute about sale/lease of property between complainant on one hand and her husband & one Smt. Nutan Chopra on the other.

The Commission is concerned with only allegation of alleged illegal detention of the complainant in the Agripada Police Station.

In this regard notice was issued to concerned police and after due inquiry the D.C.P. Zone-III, Mumbai has submitted a report to the Commission dated 23.02.2011 interalia denying the allegation illegal detention. On the other hand, it is stated that there was some dispute between the complainant, her husband and others including Smt.Nutan Chopra and in this regard as the concerned police received information that the complainant had assaulted by hand Smt.Nutan Chopra and abused her in filthy language Shri.Kharade after sending the alleged victim Smt.Nutan Chopra to hospital brought the complainant and her daughter to the Police Station and since Smt.Nutan Chopra had not returned from the hospital they were requested to stay till she comes back and only after arrival of Smt.Nutan Chopra at 10.45p.m considering the case being non-cognizable & of simple quarrel after making entry in this regard in Crime No.288/11 for the offences under Section 504, 323 I.P.C the Complainant was asked to maintain peace and was let off. It is also stated that the complainant is of quarrelsome nature and there is a case registered against her in Crime No.254/10 and charge-sheet is filed and matter is pending trial. To conclude it is reported that there was no illegal detention of the complainant and she has given a false complaint to the Commission.

On perusal of the records and after hearing both sides, in my view the report of the D.C.P. Zone-III, Mumbai appears to be unacceptable. The Station Diary original of which is produced today gives totally different picture. According to the relevant entries in the same, I find that on the date of incident at about 9.20p.m the Police Sub- Inspector Kharade has made an entry to the following effect “ Today i.e 20.02.2011 (?) at 3.00 p.m in respect of complaint of assault by the complainant on her mother-in-law, husband and Smt.Nutan Chopra was brought to

the police station and after inquiry as it is a non-cognizable case she was let off to go home". Further it is added that inquiry is going on (for what purpose?)

If that was so I would not have found anything further to consider and probably this is consistent with what the D.C.P has reported. However, very shocking is the next entry at 22.50 hrs. In this it is mentioned that as per the complaint of Smt.Nutan Chopra regarding the assault on her by the complainant Smt.Nandini by hand and abusing a N.C. Case 288/11 for the offence under Section 504, 323 I.P.C was registered and as such Smt.Nandini was advised to maintain peace. It means till 22.50hrs the complainant was in police station.

These two entries in the Station Diary have been entered at un-disputed time and date more than two year ago creates very much doubt about police activities in this case as well the veracities of as the report of the D.C.P, Zone-III, Mumbai. If in fact the complainant was summoned or brought to the Police at 9.20 p.m and was let off, how she was again present till 10.50p.m at which time again it is stated that she was advised and let off. There is no mention of her not going out at 9.20 p.m and the later entry does not indicate she was brought once again from her house. Apart from, the discrepancies noted above I have my own doubt about the veracities of the various entries in the Station Diary as at one point of time i.e at the entry made at 9.20p.m the date mentioned is 20.02.2011 which is in fact a future date. Even accepting it as a typographic mistake, the fact remains that the complainant was brought to the police station much earlier and was in the police station till 10.50p.m. If we notice the medical history noted by Doctor when complainant went to him, indicate alleged assault or at least her presence in police station at 7.30p.m, which is her consistent stand also.

Recollecting the various guidelines issued by the National Human Rights Commission and Apex Court, India as to the mode of arrest especially of women,

or detaining them in police custody. I find that the entire episode indicates the clear violation of human rights of the complainant and total disregard to the law.

Unfortunately, I am informed that the Police Sub-Inspector Kharade who is the violator is no more and hence no purpose would be served by recommending of any action against the said police officer. However, **taking into consideration the nature of violation I direct the State to pay a compensation of Rs.25,000/- to the complainant within four weeks of receipt of this recommendation as well as take appropriate steps to educate the police staff in this regard while calling for, arresting or detaining especially woman to the police station.** File is closed.

(Justice S.R. Bannurmath)  
Chairman

Mumbai.