



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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04.03.11

Case No.CPN /6020/2009-10. / 561.

Name of the complainant : Vanubai Rathod,
Vasant Naga Post, Davargaon,
Tal. Shindkhedraja,
Dist. Buldhana.
V/S.
The Superintendent of Police,
Buldhana.

Date : 18.01.2011.

Coram : Justice Kshitij R Vyas (Former Chief Justice), Chairperson

ORDER

The complainant and her husband ^{are} present at the time of hearing. None present on behalf of respondent. However, SP Buldhana has filed the report.

It is the grievance of the complainant that even though civil dispute is pending between the complainant and the opposite party, the opposite party taking law in their hands abused complainant's husband and threatened to kill him. Even though the matter is reported to police, no action is taken against them.

On 22.03.2010 the opposite party forcibly barged into her house and dragged her husband out, abused and assaulted. Her husband was so much frightened, with the incident that he did not come home for more than a month. The complainant has prayed for appropriate direction to the concerned police station to take action against the opposite party.

In the report submitted by SP, Buldhana the allegation made in the complaint are denied. It is pointed out that the complainant with a view to pressurize opposite party, in their pending dispute has committed breach of peace and public order. And therefore, preventive action U/S. 107,116 (3) Criminal Procedure Court were taken against him.

Having heard the complainant's husband, it appears that the police of Sindhkehdraja, Dist. Buldhana has half heartedly and in a routine manner inquired in to the dispute of the complainant. It is necessary and expected from the police to inquire in to the dispute between the parties. There is no dispute to the fact that the Civil dispute between the parties is going on with respect to the land, wherein the complainant has obtained injunction order against the opposite party from the court. With respect to the incident dated 22.03.10, out of fear the husband of the complainant has to remain out of his village for more than a month. Even after his return, when no proper protection was given to him and therefore, he has to write letters to the higher police authority. These fact are on records which cannot be ignored. Assuming that he is the person and is likely to commit breach of peace and public order, for which action U/s. 107,116(3) Cr. PC was already taken against him, there is nothing on record to suggest that such action is taken against the opposite party in the opinion of the Commission, matter requires to be examined from this angle. In any case with a view to maintain peace and public order the police is expected to take appropriate action in the matter, like calling the parties, counseling them to settle their disputes and to maintain permanent peace in the villege.

Copy of this order be send to SP, Bulddhana with a recommendatory direction to carry out aforesaid observations by taking appropriate action. The case is ordered to be close.

sd/-

(Justice Kshitij R. Vyas)
Chairperson.

Mumbai.

