

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SHRC/VGM/01/2009/433

Case No. -946/16/06-07

Name of the Complainant : Smt Jayshree Chandrakant Babar
Anjana Estate Chawl No.12,
R.No.4, Opp. Bhatia Hospital,
Bhandup Village Road,
Bhandup (W), Mumbai - 78

Vs.

The Dy Commissioner of Police
Zone - VII, Mumbai

Date : 21 January 2009 ✓

Coram : **Justice V G Munshi, Member**

ORDER

Read the allegations made in the complaint and report received from the Dy Commissioner of Police, Zone - VII, Mumbai and the Investigation Wing of the Commission. Read the case papers.

2. The important facts of the case of the complainant may be briefly stated as under. The complainant married Respondent sometimes in the year 1985 as per Hindu rites and customs. They have got one son out of this wedlock. The son resided with the mother of the complainant since year 1988. The complainant was ill-treated by her husband and his relatives in order to extract money etc and in the last she was driven out of the house. Therefore, she was required to take shelter at the house of her mother on



08.03.1990. She lodged one complaint in police station Worli against her husband, mother-in-law and other relatives. As complainant's husband was then residing in Nerul, Navi Mumbai, the complainant's application was sent to Turbhe Police Station. Offence at crime No. 385/90 u/s 498 A r/w Sec. 34 of IPC was registered against all these persons. The police arrested all these accused persons. Police did investigation in this crime and submitted 'B' Summary to the Court for approval. On 06.02.2003 the complainant lodged complaint case against her husband, his relatives, police officials etc in the Court of Metropolitan Magistrate Court No 27, Mulund Mumbai. The Court did send this matter for inquiry and report to police station Bhandup. In this matter offence at crime No. 9/2003 u/s 498 A and other sections of the Indian Penal Code was registered against all these persons. The Police did inquiry in this matter and submitted the 'B' summary to the Court.

3. The complainant made present complaint to the Commission and prayed for action against police officers, who did not take proper action in this matter against the Respondents according to law. She did make allegations of corruption etc. and prayed for an action against the Respondents.

4. The Respondents Dy Commissioner of Police, Zone - VII by filing their report denied and disputed all the allegations made in the complaint. According to them, present complaint was made by the complainant with malafide intention and motive. Secondly according to them, the matter in 'B' Summary is now pending before the Competent Court.

5. Therefore, it is necessary to view the case of the complainant in the light of facts and circumstances brought on record.



R/R,HRG-RECOM.

(i) It is necessary to mention that, on the complaints made by the complainant, offence at crime No. 385/1990 was registered in police station Turbhe and again on the complaint given by the complainant offence at crime 9/2003 was registered in police station Bhandup. It is necessary to mention that, according to the Police, they made investigation in these crimes and did submit 'B-Summary in every matter. On the other hand it was alleged by the complainant that, the police joined hands with other side, did corruption and did not make proper investigation. Even it was alleged that, the police acted under the pressure, and therefore, did not make proper investigations in this crime. It is necessary to mention that the complainant has taken shelter at the house of her mother and leading miserable life. It is hard to believe that, she unnecessarily made these complaints in police station and attempted to implicate the respondents falsely in the criminal case. When the complainant made allegation of ill-treatment by her husband and his relatives in matrimonial home, except wife, nobody is expected to be forthcoming to speak in favour of wife. When wife made allegations of ill-treatment, then it was incumbent upon the Investigating Officer to view the case through that angle. After going through the entire case papers, it appears that, no proper investigation was made in this crime and every time proposal for 'B-summary was submitted. As the complainant made serious allegations against the police officers about their inaction, it is necessary to make proper inquiry in this matter at the hands of Sr. Police Officer. In such circumstances it has become necessary to ascertain whether the police officers and officials acted properly and did proper



R/R,HRG-RECOM.

investigation in this crime. We cannot ignore the fact that the complainant was required to knock the doors of the Court and Authorities and now she was required to take shelter at the house of her mother. If really injustice has been caused to her, it is incumbent upon the Respondent, to find out the truth in this matter. Therefore, a thorough inquiry of the police officials and officers, who did investigation in this crime, is necessary.

(ii) It has come in the report that, the complainant did file Criminal Revision Application No. 87/2005 in Sessions Court being displeased with, the order granting 'B Summary. The Additional Sessions Judge, quashed the order granting B-Summary for the reasons mentioned in the said order and remanded the matter to the Trial Court for fresh hearing. It indicates that, the complainant has got, prima facie case, in her favour, which can stand a trial. In the given circumstances, it will be proper to direct inquiry in this matter, at the hands of Sr. Police officers.

After considering all the circumstances appearing in this case in their sequence I come to the conclusion that proper investigation was not made in crime No. 385/1990 registered in police station Turbhe and crime No. 9/2003 registered in Police station Bhandup.

1. The Commission recommends proper inquiry in this matter at the hands of the Sr Police Officer above the rank of Dy Commissioner of Police.

2. The Inquiry Officer is required to make inquiry in respect of the crimes (385/1990 registered in police station



Turbhe and 9/2003 registered in police station Bhandup) and to see, whether proper investigation was made in these crimes or whether there was inaction on the part of Investigating Officer etc with ulterior intention and motive.

3.The copy of this order be sent to Commissioner of Police, Mumbai for information and necessary action.

4.The Commission hopes and trusts that the Inquiry will be completed as early as possible.

5.Copy of this order be sent to the Commissioner of Police, Mumbai through the Secretary MSHRC, Mumbai.

6.The compliance of this order may be communicated to the Secretary of the Commission along with the result of the inquiry.

With these directions case No. 946/16/2006-07 is disposed of accordingly.

Dated : 21 January 2009



V G Munshi
(Justice V G Munshi)
Member, SHRC