



## MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001  
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SHRC/VGM/02/2010/ 406  
Date: 09<sup>th</sup> February 2010

### Case No. - 5036/2007-08

Name of the Complainant : Prashant Jagannath Metkar  
24, Hiragouri Park - IV,  
Back to Hotel Mandar  
Nimkhedi Shiwar,  
Jalgaon.

Vs.

The Superintendent of Police  
Jalgaon (Rural)

Date : 1 February 2010

Coram : Justice V G Munshi, Member

## ORDER

Read the averments made in the complaint and report received from Superintendent of Police, Jalgon. Read the case papers. Heard the parties.

2. The complainant resides on the given address. Though he did pass B.A, Bed degree examination he could not get job. Therefore, he started his own profession of computer typing under the name "Shree Enterprises". He runs this profession in Shahu Market, Shop No.12. Many Advocates and Police personnel often come to his shop to get the typing work done on computer.

3. Present complaint is made against Police Constable Sopan Bhika Patil and Police Constable Hansraj Padamsingh Hajari. It is the case of the complainant both these Constables got some notices typed at the hands of the complainant and misused those notices on the letter head of Advocate. Therefore,



offence at crime No, 34/2007 was registered against them in Police Station Jalgaon on 21.05.2007. As the complainant typed those notices the Police cited him as a witness in that criminal case. Statement of the complainant was recorded u/s 164 Cr PC before Judicial Magistrate, Jalgaon.

4. It is the case of the complainant since then both these Police constables are displeased and are annoyed with him. Therefore, they every now and then threatened the complainant to cause harm to his life and person. They also threatened the complainant to implicate him falsely in criminal cases. The complainant made complaints to several Authorities. It was his grievance that Police have joined hands with these Police Constables, they did not take any action against them. Therefore, he moved the Commission for necessary action in this matter.

5. Respondent Superintendent of Police, Jalgaon by filing their report denied and disputed all the allegations made against them. According to them they have taken proper action in this matter.

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

(i) The report of the Superintendent of Police, Jalgaon shows that the complainant made application for protection on 22.07.2007 accordingly protection was given to him. Thereafter said application was filed.

(ii) The report further shows that the Respondent made inquiry of the complainant on the given address. They found that the complainant was not staying on the given address for last two months. Therefore, they could not record any statement of the complainant. The Police recorded the statements of the parents of the complainant. They in clear words stated that at present they are not getting any nuisance or harassment from the Police Constables. Thus, from the parents of the complainant it has become clear that the complainant at present is not getting any nuisance at the hands of these persons.

(iii) The report shows that on the basis of the report given by the complainants against Police Constables, four cognizable and non cognizable offences were registered. The Respondent has taken action in this matter and put both these Police constables under suspension in this matter. The Report further shows that they have also filed chapter



held that,

“Once a petitioner comes before Commission complaining of violation of human rights based on the right created under a statute and the statute itself provides a mechanism for redressal by way of appeal, revision or otherwise, the Commission ordinarily should not entertain a complaint and direct the parties to pursue their remedy under the statute.”

In view of the principle laid down in the decision referred to above, the complainant has to pursue proper remedy. The Commission cannot entertain such matter.

In view of this situation and legal position no further action is necessary in this matter.

It is incumbent upon the Respondent Station Officer, Police Station Jalgaon to see that the Police Constables do not harass and trouble the complainant and peace law and order is maintained.

With these observations Case No. 5036/2007-08 is disposed of accordingly.



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