

MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SHRC/VGM/10/2009/ 2962-
Date: 29th October 2009

Case No. - 1645/16/2005-06

Name of the Complainant : Rashmi Ramdas Chavan
3/10 Spring Mills Compound
Naigaon, Dadar, Mumbai - 14

Vs.

The Dy Commissioner of Police
Zone - IV, Mumbai

Date : 14 October 2009

Coram : Justice V G Munshi, Member

ORDER

Read the allegations made in the complaint. Read report received from the Sr Police Inspector R A K Marg Police Station and Report received from Investigation Wing of the Commission. Read the case papers. Heard the parties.

2. Before proceeding with the merits of the case points to be decided etc it is necessary to acquaint ourselves with the facts and circumstances brought on record.

The complainant Rashmi Chavan resides in the campus of Spring Mills Naigaon along with her husband Ramdas and two sons Devash and Pranav. One Sudhakar Pujary resides in her neighbourhood along with his family members. Always quarrels used to take place on some ground or other and they both made complaints against each other in Police Station. The Police registered, cases under Section 110 of Bombay Police Act, against them, and after executing personal bonds they were released.



3. Thereafter parties returned home and again quarrels taken place between them. The complainant made following allegations against the Police.

- (i) Before happening of the incident dated 20.02.2006, though the complainant made several complaints in Police Station, the Respondent did not take action against Respondent Sudhakar Pujary and his friends.
- (ii) Police falsely implicate complainant and her family members by joining hands with Respondent Sudhakar Pujary in Cr.No. 45/2006 registered in Police Station R A K Marg under Sec. 324 r/w Sec. 34 of IPC.
- (iii) Though Janhavi Jitendra Tawade did not receive injuries, offence under Sec. 324 of IPC was registered with malafide intention and motive so that complainant and her family members would not get bail from Court.
- (iv) The sons of the complainants were deliberately arrested just before the commencement of their annual examination and thus spoiled their examination.
- (v) On the basis of complaint given by Son Devash Chavan, Police registered offence at Cr.No. 46/2006 under Sections 143, 147, 149, 324, 506 of IPC against Sudhakar Pujary and number of other persons. It was alleged that the Police did not take any action in this matter. They were arrested just like a mere formality and that too just before their production before Magistrate.
- (vi) It was alleged that PSI Jadhav all the while acted in such way and thereby caused great injustice to the complainant by favouring the other side. In short the PSI Jadhav acted with malafide intention and motive and thus, falsely implicated them in a criminal case.

The complainant therefore, moved the Commission for necessary action in this matter.

4. The Respondent Sr. Police Inspector Police Station R A K Marg by filing their report denied and disputed all the allegations made in the complaint. According to them, firstly they have taken proper action in this matter and criminal cases are pending in Court. **Secondly**, present complaint was made with malafide intention and motive and to pressurize the Police. In short according to them no further action is necessary in this matter.

5. The Special Inspection General of Police, of Investigation Wing of the Commission did submit their Report and they have proposed suitable action to be taken



R/R,HRG - RECOMM.

against the Police Officer who favoured the Respondent and thereby caused great injustice to the complainant.

6. Therefore, it is necessary to view the case of the complainant in the light of facts and circumstances of the case brought on record and also in the light of legal position. After scanning entire record it is seen that following circumstances go against PSI Jadhav.

(i) In respect of subsequent incident Police have taken action against the complainant by registering offence against them. Thereafter, Police had taken action against the opponent by registering criminal case. The Special Inspector General of Police came to the conclusion that,

"While taking legal action and arresting the accused in both the cases, the Police showed soft corner to the Sudhakar family due to local political pressure, hence submitted in agreement with the observations of the Superintendent of Police, State Human Rights Commission, for necessary action please."

Thus, the special Inspector General of Police proposed action against the Investigating Officer PSI S R Jadhav I see no reason to disagree with the findings and proposal made by Special Inspector General of Police.

(ii) The record shows that,

- (a) Janhavi sister of Sudhakar Pujary in her report mentioned that she was beaten by both the sons of the complainant by broken wooden rod and she did sustain injury and swelling near right eye. However, her medical certificate does not mention any such inquiry or swelling etc.
- (b) It was alleged that Ramdas Chavan husband of the complainant injured her by sharp sickle like weapon. Had it been the fact, that Ramdas injured her by sickle, she would have received sharp cutting grievous hurt on her person. However, a simple injury of 2 cm x 1 cm in area was noticed on her persons.
- (c) The incident taken place on 20.02.2006 and Police arrested Pranav son of the complainant on 03.03.2006 at about 08.40 hours. The boy was then studying in 10th Standard and his examination commenced from 07.03.2006. If really the boy did commit any such offence, the Investigating Officer could arrest him immediately any time after 20.02.2006. The Police had no justification for not arresting the boy anytime earlier. There is no scope for doubt that the boy



was deliberately arrested just before his annual examination of 10th standard with malafide intention and motive to spoil examination and career. Record shows that, in fact there was no case against these boys and even then they were implicated in criminal case and juvenile Court acquitted them.

- (d) The record and Report of Investigation Wing show that delay was made in arresting Sudhakar Pujary and other person. They were shown arrested at 10.05 a.m. just before they were produced Magistrate for remand. In other words, they were not arrested though they were available earlier. On the other hand immediate action was taken against the complainant and her family members in Cr.No. 45/2006.

7. After going through the record and Report it has become clear that Investigating Officer PSI S R Jadhav favoured the Respondent Sudhakar Pujary and caused injustice to the complainant, by doing their arrest etc. It amounts to violation of their human right. It is a fit case where action needs to be taken against the Investigating Officer. I make following recommendations in this matter.

- (i) **Commissioner of Police, Mumbai to hold Departmental Inquiry in this matter against Investigating Officer S R Jadhav attached to Police Station R A K Marg and to take suitable action according to law and compliance be reported.**
- (ii) **Copy of this order be sent to Commissioner of Police, Mumbai through Secretary – Maharashtra State Human Rights Commission for information and necessary action at early date.**

With these observations and recommendations Case no. 1645/16/2005-06 is disposed of accordingly.



V G Munshi

(Justice V G Munshi)
Member, SHRC