

**MAHARASHTRA STATE HUMAN RIGHTS COMMISSION**

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SHRC/VGM/10/2009/ 2770  
Date: 8 October 2009

**Case No. -1770/2007-08 with 2052/2007-08**

Name of the Complainant : Arun Chabba Waghmare  
Near Annachi Sawali  
Sant Gosheba Pawar Society  
Nanded Road, Latur - 413 512

Vs.

The Superintendent of Police  
Latur

The Police Inspector  
Police Station Chakur  
Tal. Chakur, Dist Latur

Date : 29 September 2009

Coram : Justice V G Munshi, Member

**ORDER**

Read the allegations made in the complaint and report received from the Superintendent of Police, Latur and the report given by the Investigation Wing of the Commission. Read the case papers. Heard the parties.

2. The important facts of the case of the complainant may be briefly stated as under.

It was alleged by the complainant that firstly, Rajendra Narayan Kasabe, Kumar Bapu Kasbe and Parvati Rajendra Kasbe and their friends harassed and ill treated the complainant. Secondly, they severally beaten and injured the complainant. Thirdly, they set the house of the complainant on fire and caused



damages. Lastly, the complainant apprehended danger to his life and person at the hands of these persons. Therefore, he moved the Commission by filing these complaints and prayed for necessary action in this matter. It was alleged that Police did not take any action and on the other hand joined hands with the other side. In short according to the complainant all these persons made his life miserable and due to fear they were required to leave that village and to take shelter in another village.

3. Respondent Superintendent of Police, Latur by filing report denied and disputed all the allegations made against them on number of grounds. According to them firstly, no such incident of setting house on fire anytime taken place. Secondly, the dispute that arose among the parties was of domestic nature. Thirdly, the complainant is not residing in the village since 30.03.2007 and the apprehension of danger to his life etc is baseless. Lastly, present complaint was made with malafide intention and motive and to harass the other side and Police.

4. The main incident occurred on 30.03.2007 when Arun Chabba Waghmare was present in his house and he just finished his evening meals. At that time Rajendra Narayan Kasbe and other persons beaten the complainant, ransacked his house and burnt food grains and other articles. It was alleged by the complainant that Police did not take any action and taken his statement under pressure and forced him to leave the village. On this background we have to view the case.

- (i) As the complainant did dispute the Report filed by Superintendent of Police, Latur, this matter was handed over to the Investigation Wing of the Commission. I see no reason to accept the Report of Investigation Wing, because it is incomplete.
- (ii) The record shows that the complainant and Rajendra Kasabe were not in good terms because of matrimonial dispute of his daughter with Sampat brother of the complainant. Thus, there was motive behind the act and this aspect was totally ignored by the Respondent Police.
- (iii) Attempt was made to show that complainant himself set his house on fire and thereby tried to implicate Rajendra and other persons falsely in a criminal case. It is hard to believe that complainant himself set his own house on fire and caused damages to food grains, and household articles etc.



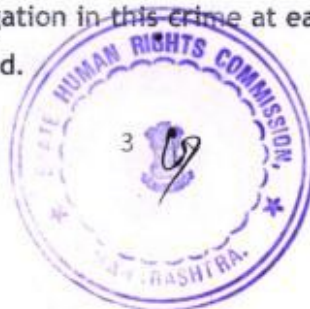
R/R,HRG - RECOMM.



- (iv) Admittedly, the complainant since the date of incident i.e from 30.03.2007 left his house and village, and taken shelter in another viallge. Unless there was sufficient reason the complainant would not have left the village. Therefore, there is reason to believe that because of pressure and apprehension of danger to his life and person, he left the village.
- (v) If we go through the case papers, then it will come to the notice that no proper investigation was made about this incident in Police Station Chakur. In that case it was incumbent upon Police to register the offence and to make further investigation in this crime.
- (vi) According to the Respondent, Police did not make further investigation in this case because complainant made a statement that he lodged complaint with prejudiced mind. Since beginning the complainant is saying that he was pressurized to give such statement. In that case it was incumbent upon Police to continue with the investigation in this case.
- (vii) It was alleged that the said incident taken place on 30.03.2007 at about 1.00 p.m. in the midnight. At such time no eye witness is expected on this incident and the Investigating Officer has to rely on the statement of the complainant and to proceed further with the case. The photographs filed on record show that really such incident taken place. There is no sufficient reason for Police for not registering the offence u/s. 436 of IPC. It is also not known how Police went on spot on 31.03.2007 and prepared spot panchnama without registering the offence as alleged. When allegations made in the complaint, amount to happening of a cognizable offence, and in that case, it was incumbent upon Police first to register offence and then to proceed with investigation. There is no scope for doubt that, no proper investigation was made in this case.

In these circumstances and in view of this situation, it has become necessary to make following recommendations in this matter.

- (i) Superintendent of Police, Latur to register offence in this matter u/s 436, 323, 506 and other relevant sections of Indian Penal Code and to make proper and complete investigation in this crime at early date and compliance be reported.



R/R,HRG - RECOMM.

- (ii) Senior Police Inspector Police Station Chakur to keep close watch on the situation and to see that peace, law and order is maintained and the complainant and his family members do not get any harassment, nuisance etc from other side.
- (iii) Copy of this order be sent to Superintendent of Police, Latur for necessary action according to law, through Secretary State Human Rights Commission, Mumbai and await compliance.

With these observations and recommendations Case No. 1770/2007-08 and Case No. 2052/2007-08 are disposed of accordingly.



*V G Munshi*

Justice V G Munshi)  
Member, SHRC