



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp, Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001
Tel : 2207 3434 Fax : 2207 3434, 2209 2857 Website : <http://mahrc.maharashtra.gov.in>

SHRC/VGM/03/2011/443

Date: 04th March, 2011

Case No. – 4471/2008-09

Name of the complainant : Sakhrubai Maruti Asawale
R/o. Manwad, Tal Gadhinglaj
Dist Kolhapur.

Vs.

The Superintendent of Police
Kolhapur (Rural)

Date : 10 February 2011
Coram : Justice V G Munshi, Member

ORDER

Read the averments made in the complaint and the report received from Respondent Superintendent of Police, Kolhapur. Heard the complainant. None present for and on behalf of the Respondent.

2. The immovable property Gat No. 545 situated in village Manwad Tal Gadhinglaj, was of the ownership of Maruti Rama Asawale. Complainant No.1 is his wife while complainant No.2 and 3 are his daughters. It was alleged by the complainant that Maruti Asawale illegally sold the landed property to



Dashrath Redekar. According to them it was a joint family property and therefore, Maruti Asawale had no right to sell the property. Therefore, they did file Special Civil Suit No. 20/2006 in the Court of Civil Judge Senior Division, Gadhinglaj for partition, permanent injunction and cancellation of sale deed. That on 14.02.2007 the Court accepting the case of the complainant, did pass order and temporarily restrained Dashrath Redekar and his servants from interfering with the possession of the complainants over the land in dispute.

3. It was alleged by the complainant that despite of the order from the Court Respondent Dashrath Redekar pressurized them to withdraw the suit, and also given threats to cause harm to their life and person. It was alleged by the complainant that Dashrath Redekar did file false criminal case against them (No. 147/2007) in Gadhinglaj Court. It was alleged that Dashrath Redekar joined hands with ASI Khodre and Police Constable Kamble and tried to pressurize them. The complainants made following allegations against ASI R D Khodre and PC Kamble.

- (i) That this Police Officials taken undue interest in this civil matter and joined hands with Respondent Dashrath Redekar.
- (ii) Though the Court referred the case to the Police Station for inquiry, this Police Officials without any authority illegally arrested them.
- (iii) It was alleged that the complainants were unnecessarily arrested during evening hours and that too without the help of lady police Constable.
- (iv) The Police unnecessarily detained them in Police Station along with small child of one year.
- (v) Lastly, it was alleged that the arrest and detention was illegal and these Police Officials violated the human rights.



R/R,HRG AND CLOSED - RECOMM

Therefore, they moved the Commission for necessary action in this matter.

4. The Respondent Superintendent of Police, Kolhapur by filing their report did not dispute the allegations made in the complaint.

5. In this Addl Superintendent of Police, Kolhapur did inquiry in this matter and submitted the report.

(i) In the reply it is admitted that ASI Khodre on 08.06.2008 arrested the complainants in crime No 1/2008 at about 8.45 p.m. in the night.

(ii) After inquiry Addl Superintendent of Police, Kolhapur found that when these Police Officers arrested the complainant's wife, they had not taken with them any lady Police Constable.

(iii) It was found that ASI Khodre, PC Kamble and PC Bote tried to mislead the Police officer and tried to suppress the truth. In the last Addl Superintendent of Police, observed that these Police Officials violated the rights of the complainants.

6. Thus, after going through the Report it has become very clear that arrest and detention made by these Police officials was illegal. The report mentions that Superintendent of Police, Kolhapur initiated inquiry against these persons and report is awaited.

7. Therefore, Commission recommends that Superintendent of Police, Kolhapur to make detailed inquiry in this matter and to take stern actions against the Police Officers who were found at fault and who violated the Human Rights of the complainant. The action to be taken against these police officials, should be such that no such incident is repeated in future and it shall be an example for others.;



R/R,HRG AND CLOSED - RECOMM

8. Copy of this order be sent to Superintendent of Police, Kolhapur through Secretary, Maharashtra State Human Rights Commission, Mumbai for information and necessary action. The compliance may be reported.

With these observations and recommendations Case No. 4471/2008-09 is disposed of accordingly.

The Secretary to communicate this order to the parties concerned.



✓ ²⁴⁻
(Justice V G Munshi)
Member, SHRC