



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

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SHRC/VGM/ 7/2011/ 133/

Date: 2/7/2011

Case No. – 4504/2008-09

Name of the complainant : Saed Rehman Khan
R/o. Kanti Nagar
Galli No. 5, 1st Rabodi
Thane

Vs.

The Commissioner of Police
Thane

The Sr. Police Inspector
Thane City, Thane

The Dy Commissioner of Police
Thane

Date : 22 June 2011

Coram : Justice V G Munshi, Member

ORDER

Read the averments made in the complaint and report received from the Respondent Senior Police Inspector, Thane City, Thane. Read the case papers. Heard the parties.

2. Present complaint is made to the Commission by the complainant about harassment given to his son Nakib Khan by Police. It was the case of the complainant that his son Nakib Khan was a social worker. That on 25.04.2007 he made complaint to Dy Commissioner of Police Dande Saheb and claimed closure of Tady shop. It was

alleged by the complainant, the Police instead of taking action against Tady shop owner, falsely implicated the complainant's son in criminal case and thus made his life miserable. In the last due to harassment of Police, son of the complainant that on 26.08.2008 poured kerosene on his person and set himself on fire. Nakib Khan that on 11.09.2008 at about 21.14 hours expired in hospital during treatment. It was the grievance made by the complainant that his son thus, ended his life due to harassment of Police. Therefore, he moved the present complaint to the Commission for necessary action.

3. The Respondent by filing their report denied and disputed all the allegations of harassment etc made against them in the complaint.

4. The Police registered offence at Cr.No.247/2006 u/s 323 of IPC against Nakib Khan on 09.03.2006. Offence at Cr. No. 297/2007 u/s. 386 of IPC was also registered against Nakib Khan on 19.09.2007. Chapter proceedings (No. 25/2006) under section 107 Cr PC were initiated against him on 21.03.2006 and the matter was then pending in the Court of Special Executive Magistrate. Even offence at crime No. 180/2008 under section 309 of IPC was registered against the Nakib Khan on 27.08.2008. All these facts are not in dispute.

5. Nakib Khan (deceased) was admitted in Thane Hospital. His statement was recorded before Medical Officer. Nakib Khan while he was on death bed made a statement that, Police filed cases against him and he was of the opinion that all these cases were false. Therefore, he was mentally disturbed. Under such circumstances, he poured kerosene on his person and set himself on fire. It is necessary to repeat that thereafter Nakib Khan expired on 11.09.2008 during treatment in Sion Hospital, Mumbai. It was the grievance made by the complainant that his son ended his life because of such harassment caused by the Police. In other words, the Police by their harassment abated the commission of suicide by Nakib Khan.

6. After considering all the circumstances appearing in this case I am of the opinion that some proper inquiry is necessary in this matter by superior Police Officer. I make following recommendations:

(A) Dy Commissioner of Police, Thane to make proper inquiry into the allegations made in the complaint in the light of observations made in the order and to take action if any according to law.

(B) Copy of this order be sent to Dy Commissioner of Police, Thane through Secretary – State Human Rights Commission, Mumbai for information and necessary action and compliance may be reported.

With these observations and recommendations the Case No. 4504/2008-09 is disposed of accordingly.

The Secretary to communicate this order to the parties concerned.



✓ Sd/-
(Justice V G Munshi)
Member, SHRC