



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001  
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## **SRB/Case No.1663/2014** **(Court Sitting at Solapur)**

Name of the Complainant : Mr. Prakash S. Jadhav  
Name of the Respondent : Superintendent of Police,  
Latur  
Date : **21<sup>st</sup> September, 2016**  
Coram : **Justice, S.R. Bannurmath**

## **ORDER**

This complaint by Mr. Prakash Jadhav is in respect of the alleged inaction on the part of the concerned police in not registering his complaint and on other hand registering a criminal case against him. It is alleged that on 12.5.2014, he was travelling in State Transport Bus from Tajband to Latur and on arriving at Latur he noticed that his mobile phone worth Rs. 10000/- was missing. As such, to inform for purchasing a new sim card when he went to a shop, he was informed that in this regard, a police report is required. As such, on the same day, he went to Gandhi Chowk Police Station to inform the police, he was told that he should lodge a complaint at Ahmedpur police station and when the certificate was refused, he wanted to meet the Police Inspector. The Sub-Inspector Police, Shri D.V. Dongre abused and assaulted him and registered a case for the offences u/s 110

and 117 of Mumbai Police Act. Hence, it is alleged that his human rights have been violated.

As such report from the Supdt. Of Police, Latur is called for and the matter is posted for hearing today. Smt. Lata P. Phad, Additional S.P., Smt. M. M. Maske, PSI are present. Complainant in spite of notice is not present. Supdt. Of Police has filed a report.

On going through the same, the fact that police did not register the complaint of theft of mobile is not in dispute. And, on the other hand, he was asked to go to another police station at Ahmedpur. This is in violation of mandatory provisions u/s 154 and 155 of Cr.P.C. Added to that, possibly because of non-registration of case, he might have argued with the police officials and instead of pacifying him, it appears a case is registered against him and after warning he has been let off.

Since non-compliance with the mandatory requirements – registration of a complaint either under 154 or 155 amounts to denial of human rights – the Commission deems it proper to make following recommendation.

- a) The State shall instruct all the police officials the importance of registration of a complaint either under section 154 of 155 of Cr.P.C. as the offence is disclosed in the complaint.**
- b) The Home Department shall bring first, irrespective of jurisdictional issues, instead of sending complainant to other Police Stations, as held by Hon'ble Supreme Court in various decisions.**
- c) Since the human rights of the complainant are violated, the State shall pay the compensation of Rs. 5000/- to the complainant within four weeks from the date of receipt of this order and submit a compliance report within two weeks thereof to the Commission.**

**(Justice S.R. Bannurmath)  
Chairperson**