



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://mshrc.maharashtra.gov.in>

MAS/Case No.– 1339/13/20/2019

Name of the Complainant : Sunita Alhat

Name of Respondent : Commissioner of Police,
Navi Mumbai

Date : 9th April 2021

Coram : M. A. Sayeed, Acting Chairperson / Member

ORDER

After having scrutinized the record carefully, & considering the pro & cons of the controversy on the strength of the pleadings placed on record by the parties in support of their rival contentions, I am of the opinion that the grievance of non action on the part of the respondent in registering complainant's FIR in respect of the unfortunate incident of criminal trespass, physical assault on her & her husband & damage to her movable assets by her opponents, is justified for the reasons here in after stated as under :

- a. From the police report Ex 'A', a futile attempt has been made to tarnish the credibility of the complainant & her husband by accusing them of indulging in commission of serious offences like cheating, misappropriation etc, their landlords, & also committed such alleged crimes in their day to day transactions with different persons. Details of their alleged illegal actions are set out in the report Ex 'A'.

- b. Assuming that the antecedents of the complainant are tainted as alleged by the respondent but that does not absolve the respondent from registering her report when the facts clearly indicate that she & her family has been vandalized by the offenders. This conclusion is drawn as the discrete enquiry report Ex.'C', submitted by the Investigating Wing of this Commission, indicates that her FIR ought to have been register u/s. 154 Cr PC, 1973.
- c. Pertinent to note that the contents of the report Ex.'C' does indicate that complainant & her husband, created chaos in the office of the investing wing by entering into heated argument with the enquiry officer lady PSI, Smt Desai attached with the wing. It does appeared that complainant's nature is aggressive & short tempered as she could have avoided altercation with the police officer for which a warning should be given to her to be careful in the future but the significant aspect is the final conclusion drawn by the enquiry officer, as a clear opinion is given that the concerned police officer ought to have registered an FIR & the default has resulted in violation of the human right of the complainant.
- d. With such adverse finding on record, & bearing in mind, the Law lay down by Supreme Court in Re- Lalitakumari, I am of the opinion that case justifying intervention by the Commission has been made out.

Therefore by invoking powers u/s. 18 of the Protection of Human Rights Act, 1993, following recommendations are made;

- a. PI of the concerned police station do register complainant's FIR



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in respect of the alleged incident of 20.06.2019 & conduct further enquiry & take necessary action by following the procedure laid down under Section 154 Cr PC, 1973 & other relevant provisions as contend in Chapter-XII Cr PC, 1973 under the supervision & guidance of his senior supervisory authority.

- b. The concerned defaulting police officer PI, Shri Baviskar be warned to be careful in future in dealing with the aggrieved victims & of taking action according to Law rather than becoming judgmental on the character, credibility of the victims.
- c. DGP, State of Maharashtra to conduct periodical interactions with the subordinate police force to update on the importance & significance of their duties & make them aware of the substantiated as well as procedural law, by making them undergo training at Police Training School, Nashik.

Copy of the order be sent to office of ACS, Home Dept, Mantralaya, Mumbai for necessary compliance as provided u/s. 18 (e) r/w. Regulation 22 to 24.

Office of the Ld Secretary attached with this Commission should take following action.

(M. A. Sayeed)
Acting Chairperson / Member