

Case No. – 660/16/2005 and 699/16/2005

Name of the Complainant : 1. Virendra Vasant Valve
Rukmini Niwas, Nr Pandey Kunda,
Nardas Nagar, Tembipada Road,
Bhandup (W), Mumbai – 78
2. Prashant Babaji Bhogale
3/3, Ram Niwas, Shivaji Nagar,
Tembipada Road, Bhandup (W)
Mumbai – 78

Vs.

1. The Dy Commissioner of Police
Zone – II, Mumbai
2. The Commissioner of Police
Mumbai

Date : 29 May 2009

Coram : **Justice V G Munshi, Member**

ORDER

Read the allegations made in the complaints and report filed by Dy Commissioner of Police, Zone – II, Mumbai. Read the report given by Investigation Wing of the Commission. Read the case papers.

2. Important facts of the complainant may be briefly stated as under.

One Nandkishore Parab was then working in C TV Company. It was alleged that Nandkishore Parab did misappropriation of



huge amount of Rs. 9,37,451/- of the Company amount. On the basis of the report lodged by the Company in Gaondevi Police Station, offence was registered in this matter. PSI Naik was given investigation of this crime. He did make inquiry from Nandkishore Parab. On inquiry it was transpired that some part of the misappropriated amount was given by Nandkishore Parab to complainant Virendra Vasant Valve, in order to get loan of Rs. 15 lacs sanctioned for business. It was alleged that, Prashant Babaji Bhogale (Complainant in Case No. 699/16/2005) introduced Nandkishore Parab to complainant Virendra Vasant Valve. Thus, according to the Respondent Nandkishore Parab misappropriated huge amount of the Company and the complainants Virendra Vasant Valve and Prashant Babaji Bhogale helped Nandkishore Parab in this matter. Earlier Nandkishore Parab agreed and admitted to return the amount of misappropriation, after getting the loan amount and accordingly he has given in writing. As Nandkishore Parab did not return the amount, the Company again filed complaint against him in Police Station on 14.10.2005. Thereafter PSI Naik started investigation in this crime.

3. It was alleged by the complainants Virendra Vasant Valve and Prashant Babaji Bhogale that PSI Naik every now and then called them along with their family members in Police Station, detained them and forced them to sign documents. It was alleged that PSI Naik threatened them to implicate them falsely in criminal cases. It was alleged that, PSI Naik forced the complainant Virendra Vasant Valve to produce before Police, documents of his house and these documents were not returned to him. It was alleged by the complainants that, PSI Naik had taken keen interest in this matter, after joining hands with the Company Officers. Complainant Virendra Vasant Valve claims to be flood affected person. He could not get any help from Government, as he could not produce papers of his house, which were forcibly taken from him by PSI Naik. In the last according to these complainants, PSI Naik harassed them and made their life miserable though they did not commit any offence or though they were not anyway connected with misappropriation case. Therefore, they moved the



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Commission for necessary action in this matter by filing these separate cases.

4. Respondent Dy Commissioner of Police Zone - II, by filing their reports denied and disputed all the allegations made in the complaint against them on number of grounds. **Firstly**, according to them PSI Naik did not call parties to the Police Station and they did send their statements to the Police Station by registered post. **Secondly**, no offence was registered against these persons. Even then they did file application for grant of anticipatory bail and the Sessions Court rejected those applications on 29.09.2005. **Thirdly**, the complainant Virendra Vasant Valve only given tax receipt and meter receipt to the Police and no other documents were given. **Fourthly**, offence at crime No. 4/2006 was registered only against Nandkishore Parab that on 21.10.2007 u/s 465, 467, 468, 471, 420,406 of IPC. He was arrested and he was sent in Magisterial Custody and investigation is yet pending. **Lastly**, according to the Respondent, criminal case of cheating was already filed against the complainant Virendra Vasant Valve and number of such complaints were filed against him in Police Station Bhandup. In short according to the Respondent Dy Commissioner of Police, Mumbai they have taken proper action in this matter and therefore, there is no need to take further action in this matter.

5. This matter was referred to the Investigation Wing of the Commission. Spl IGP did submit his report. The Investigation Wing after going through all the circumstances of the case did file their report. The relevant portion is reproduced is as under

" १) यानंतर पो.सब. इन्सपेक्टर श्री. नाईक यांनी अर्जदार श्री. विरेद्र वाळवे यांना पो.स्टेशनात नोदवून कंपनीचे पैसे वसूल करण्याचा प्रयत्न केलेला दिसतो. वास्तविक सदर प्रकरण हे दिवानी स्वरूपाचे असल्याचे दिसून येते. कंपनीला favour करण्याकरिता चौकशीची पराकाष्ठा केलेली दिसते व पो.उप.निरिक्षक श्री नाईक यांनी त्यामध्ये विशेष रुचि घेतल्याचे स्पष्ट दिसते.



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२) अर्जदार श्री विरेंद्र वाळवे यांचे विरुद्ध भांडूप पो.स्टे. का गुन्हे दाखल आहेत ही वस्तुस्थिती असली तरी सदर प्रकरणामध्ये त्यांचे विरुद्ध प्रथमदर्शनी काहीही पुरावा नसताना त्यांना पो.स्टे. गांवदेवी येथे चौकशी कामी बोलवून घेण्यात आले होते. आणि CTV कंपनीची रक्कम वसूल करण्याकरिता दिवाणी स्वरूपांचे तक्रारीमध्ये त्यांना अवाजवी कालावधी चौकशीसाठी बसवून ठेवले असे दिसते.

३) पो.उप. निरीक्षक यांनी सदर प्रकरणी ज्या पध्दतीने चौकशी केली त्यावरून अर्जदाराने केलेल्या तक्रारीमध्ये तथ्यांश नाही असे म्हणता येणार नाही."

After going through the material on record I see no reason to disagree with the opinion given by Spl. Inspector General of Police in this matter. It is seen that PSI Naik while doing investigation in this crime taken keen interest in the investigation though offence was not registered against these complainants and they were harassed in order to recover money from them etc. Thus, the conduct and behavior of PSI Naik was not befitting to the conduct of an Investigating Officer. I therefore, recommend inquiry in this matter.

- (A) **Commissioner of Police, Mumbai to hold inquiry against PSI Naik, who was then attached to Police Station Gaondevi, in view of the observations made in the order and to take proper action according to law.**
- (B) **Copy of this complaint be sent to Commissioner of Police, Mumbai through Secretary Maharashtra State Human Rights Commission for information and necessary action.**

With these recommendations Case No. 660/16/2005 and 699/16/2005 are disposed of accordingly.

Dated : 29 May 2009



V G Munshi

(Justice V G Munshi)
Member, SHRC