



## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

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### **SRB/Case 4530 /2011-12**

**Name of the complainant : Malan Shantaram Zore**

**V/s.**

**Dy. Commissioner of Police  
Zone VI, Mumbai.**

**Sr. Police Inspector,  
Tilak Nagar Police Station, Mumbai**

**Date : 4<sup>th</sup> March, 2014**

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

### **ORDER**

This complaint by Smt. Malan S. Zore resident of Bhimnagar, Rajawadi, Vidyavihar, Mumbai against her illegal detention and assault by Tilak Nagar Police officials and especially by Shri. Siddharth Kasabe the then P.I of the Tilak Nagar Police Station.

The background for the alleged confrontation of the police with the complainant is that on a complaint of one Mangeram Dhilod that his daughter Monika was found missing from 23.10.2011 a missing complaint was lodged with a Tilak Nagar Police Station in missing complaint case no.28/11 dated 23.10.2011. Thereafter, on further information received that the said one Sunny Shantaram Zore (Son of the present complainant) had coerced her to marry, without knowledge of her parents & got married somewhere & in this regard alleging that the complainant had abetted her son, a case in Crime No.287/2011 for the offences under Section 363, 366 (A) r/w 34 I.P.C has been registered. It is in this

background the complainant alleges that the police staff of the Tilak Nagar Police Station and especially the then P.I Shri.Kasabe officer called her to police station, not detained her illegally on many occasions but also on 05.12.2011 took her to the police station and she was beaten and was let off. It is stated that immediately as the pain was unbearable she went to the Govt.Hospital Rajawadi and got treated for the injuries. She also alleges that she was abused in vulgar language and hence prays the Commission to take appropriate action against the concerned.

In pursuance of the notice issued by the Commission, the D.C.P Zone- VI has filed a report interalia denying the alleged ill-treatment, assault etc. by the concerned police. It is stated that as the complainant and her son were involved in serious crime of kidnapping and illegal marrying a minor and as case has been filed against them, in order to take vengeance against the police the present allegations are made.

On the last occasion, after perusing all the records and as there is prima-facie material before the Commission about violation of human rights it felt necessary to inquire with Shri.Kasabe the then P.I of Tilak Nagar Police Station against whom main allegations are made in complaint. Before the Commission said Shri.Kasabe present today reiterates that neither he nor any staff members assaulted or harassed the complainant and she has filed false case before the Commission to take revenge against him for having booked a case in Crime No.287/11 against the complainant and her son especially when the Session Court has convicted the complainant's son and sentenced him to undergo R.I for seven years in the said criminal case.

After perusal of the entire records, both filed by the complainant and the police, at the outset it is to be noted that there was a case registered against the complainant and her son for kidnapping a minor girl to compel her for marriage and ultimately after investigation charge-sheet has been filed against both of them

for the offence under Section 363, 366 (A) r/w 34 IPC and the Session case by the Judgement dated 06.12.2013 though convicted the complainant's son and sentenced him to undergo R.I for seven years, acquitted the complainant from all the charges.

As such on the fact of it there may be some grouse on the part of the complainant against the police especially Shri.Kasabe the P.I who investigated the case initially.

But the records indicate something more. It is to be noted the incident of kidnapping and registration of case against the complainant and her son was on 20.01.2011. The complainant has no grievance about the same but what she alleges is after the said registration of the case against her and her son and even after arrest and bail, she was being harassed ill-treated by the police, only to find out the whereabouts of her son and the missing minor daughter of Mangeram Dhillod as they were not traced (till arrest of sunny). In the complaint she specifically alleges that on 05.12.2011 in the evening police constable took her to the police station and in the police station she was assaulted mercilessly by the P.I. In support of the same she has produced the case sheet from the Corporation hospital dated 06.12.2011. It is relevant to note that in the case-sheet the history is mentioned as assault with belt at Tilak Nagar Police Station at about 4.30-5.00p.m yesterday (05.12.2011). The Doctor who examined the complainant has noticed swelling on both the wrist & palm of both the hands tenderness and trauma and has prescribed certain medicines. It is also relevant to note that there is no medical opinion as to the injuries being self-implicated or otherwise. On the other hand, no contra-indicative material has been produced to deny or discard this medical evidence and especially the case history given at the earliest point of time.

On considering the entire material and after hearing both the sides the Commisison is of the view that no doubt a criminal case had been registered

against the complainant and her son and after trial though the Trial Court convicted the son of the complainant but acquitted her. From the chain of events narrated above it is possible to infer that as the missing boy and the girl were not traced for a long time, there appears to be an effort to cause the complainant to reveal their whereabouts and in this regard there is every possibility of using cohesive force for the investigating police to get the information.

It is to be noted that time and again the Human Rights Commission both at National and State level and the Hon'ble Supreme Court have condemned such coercive action of using third degree method to extract information even from habitual criminals. In the present case no doubt the son of the complainant had kidnapped and married a minor for which the Court has rightly taken action and convicted him and sent him to prison, but the assault on complainant that too a woman by the P.I to extract information is illegal & against the protection provided by Constitution of India & Human Rights. As there is prima-facie material in the form of medical case-sheet and entry therein as to the complainant receiving injuries and especially noting the fact that the history given to the doctor at the earliest point of time corroborates the complainant's allegation assault on her by the police which has remained uncontravened & undisputed.

After careful scrutiny of the entire materials the Commission finds that there is truth in the complainant allegation about the assault on her by the concerned police. On the other hand except self-serving statement of the P.I there is no contra-indicative material and hence the Commission comes to the conclusion that by the illegal assault on the complainant by the concerned P.I, infact the human rights of the complainant have been violated.

In the result the Commission **recommends** as follows :-

- (a) The State Govt./ Senior Police Officers shall sensitize the police officers regarding the ill-treatment beating and third degree

methods used by some of the police on the suspected citizens which is violative of protection provided under Constitution of India & which is basically violation of human rights and if any such instances are noticed proper action should be taken against such erring police officers immediately.

- (b) As the Commission has come to the conclusion that there is violation of human rights of the complainant by the concerned police, the State Government is liable to pay a compensation of Rs.50,000/- to the Complainant within four weeks from the date of receipt of this order and report compliance forthwith.

With these recommendations the case is closed

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

Mumbai.