



Final Order

No. PCA/DDD/Case-07/2011/17

Date: 15/05/2012

Applicant Name & Address : Shri Gulshan Omprakash Dhingra
; Ward No. 15, 15/86, Flat No. 5, Samak Avenue,
Khariwad, Nani Daman

Complaint Registration Date : 26th December 2011

Complaint About : Non registration of First Information Report for the theft
of pillion seat and battery of Pulsar Motor Cycle No. DD-
03-F-4909 at Nani Daman Police Station.

Complaint Against : 1. Shri Harjivan L. Jethwa, Head Constable, Buckel No.
087, Nani Daman Police Station.
2. Shri Mafatlal B. Talpada, Constable, Buckel No. 277,
Nani Daman Police Station.

Statements Recorded by the Authority :

1. 20th January 2012 Shri Gulshan Omprakash Dhingra, Complainant
2. 13th March 2012 Shri Mafatlal Bakorbhai Talpada, Constable
3. 13th March 2012 Shri Harjiwan Laxmanbhai Jethwa, Head Constable
4. 03rd April 2012 Shri Gulshan Omprakash Dhingra, Complainant

Summary of Statements recorded by the authority :

1. : i. Shri Gulshan O. Dhingra had grievances against the Head Constable and Constable of Nani Daman Police Station for refusing his son's complaint and conduct of the police official in response to the complaint on 07/11/2011.
ii. In his statement, given before the authority he stated that Shri Harjivanbhai, Head Constable directed Constable Shri Mafatlal to register the complaint but Shri Mafatlal refused to register the complaint on account of not having sufficient man power.
iii. While perusing his complaint Shri Gulshan O. Dhingra desired that the Police Official realizes their duty towards the public and their behavior, attitude and approach toward the complainant.
2. : i. Shri Mafatlal B. Talpada, Constable Nani Daman Police Station, in statement given before the authority he stated that Shri Gautam son of Shri Gulshan O. Dhingra had came to the police station on 07/11/2011 at 03:00 AM and he told him that he wants



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- to lodge a complaint, so he directed him to meet PSO, Shri Harjivanbhai.
- ii. Shri Gautam, in his presence informed Shri Harjivanbhai regarding the theft of the pillion seat and battery of Pulsar Motor Cycle.
 - iii. Shri Harjivanbhai advised him to give a written complaint so he informed him that he will come in the morning to lodge the complaint.
 - iv. Shri Mafatlal had denied the allegation of Shri Gulshan Dhingra to refuse to register the complaint on account of not having sufficient man power.
3. : i. Shri Harjivan L. Jethva, Head Constable Nani Daman Police Station, in his statement given before the authority he stated that Shri Gautam Dhingra, son of Shri Gulshan Dhingra had come to the Nani Daman Police Station on 07/11/2011 and informed Constable Shri Mafatlal regarding the theft of pillion seat and battery of Pulsar Motor Cycle.
- ii. Constable Shri Mafatlal informed Head Constable Shri Harjivan that Shri Gautam will come in the morning along with his father to lodge the complaint of theft.
 - iii. Head Constable directed PCR No. 1 to visit the place of incidence and submit the report. The PCR No. 1 reported that no person name Shri Gautam was found at the spot.
 - iv. Head Constable stated that next day he visited the office of Shri Gulshan O. Dhingra to verify, whether he want to lodge the complaint or not and to inform that if he wants to lodge the complaint he should give the complaint in writing but he did not came to police station to lodge the complaint.
 - v. Head Constable stated that his superior directed him to take necessary action towards the complaint of Shri Gulshan Dhingra.
 - vi. As per the direction of the superior he recorded the statement of Constable Shri Mafatlal B. Talpada on 08/11/2011.
4. : i. In his second statement Shri Gulshan O. Dhingra stated that Head Constable Shri Harjivan L. Jethwa tendered an apology for the inconvenience caused and he does not have any personal grievances against any police personnel.
- ii. He stated that his efforts is to make aware the police officers their duty and obligation.

Facts immerging from the statements :

- a) From the statements of Head Constable and Constable it established that Shri Gautam G. Dhingra went to the Nani Daman Police Station to lodge his complaint on 07/11/2011 at 03:00 AM.
- b) Head Constable did not made any station dairy 1) regarding the visit of Shri Gautam G. Dhingra, 2) his directions to the PCR No. 1 to verify the spot of occurrence as stated by Shri Gautam Dhingra, 3) his visit to the office of Shri Gulshan O. Dhingra and 4) station dairy



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entry of recording the statement of Constable Shri Mafatlal on 08/11/2011.

- c) Head Constable accepted his laps towards the complaint and he also regreted for his omission to act on the complaint.

- d) Head constable did not registered first information report of theft, although it was his duty to record FIR.

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It is established that Head Constable, Shri Harjivan L. Jethwa did not registered First Information Report of Shri Gautam G. Dhingra on 07/11/2011 at Nani Daman Police Station in-spite of his duty to register cognizable offence.

However, considering the nature of complaint, long standing service and this being his first incident the case deserves a lenient view and accordingly no further action is warranted. Case to be closed and filled.

S. M. Parmar
Chairperson
Police Complaint Authority
Daman & Diu and Dadra & Nagar Haveli
Silvassa