

THE HIGH COURT OF MADHYA PRADESH

W.P. No.9595/2021

(OSHEEN SHARMA AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 24.5.2021

Heard through Video Conferencing.

Ms. Shanno Shagufta Khan, Advocate for the petitioners.

Shri Swapnil Ganguly, Deputy Advocate General for the respondents/State.

This writ petition in the form of public interest litigation has been filed by Osheen Sharma and others seeking direction to register FIR against Respondent No.7 Mahesh Prajapati and Respondent No.8/Gopal Jatt, who are Police Constables posted at Police Station – Pardeshipura, Indore as they misused their powers subjected innocent rickshaw-puller to merciless beating. The petitioners have prayed for a direction to the respondents to constitute an independent Committee or Grievance Cell, who may examine the complaints against excesses misconduct of the Policemen.

Learned counsel for the petitioner submitted that according to the news article published in the newspaper Indian Express, Bhopal Edition on 8.4.2021 two constables of Police Station – Pardeshipura, Indore were placed under suspension after their video beating an auto rickshaw driver became viral on social media; allegedly for not wearing the mask in a proper manner. Earlier also the two policemen deployed at Malwa Mill Gate stopped auto rickshaw driver to explain why he was not wearing mask properly inasmuch as, the mask had slipped down his nose. The auto rickshaw driver on his part is said to have explained that since his father was ailing and was hospitalized he was going to visit him but this did not appeal

to the policemen, who asked him to come to the police station. It is submitted by the learned counsel for the petitioner that on refusal to come to the police station scuffle took place between the policemen and the auto rickshaw driver and he was forcibly dragged to the police station. Son of the rickshaw driver standing over there pleaded before the policemen not to beat his father. Learned counsel for the petitioner has further pointed out that as per the newspaper Times of India, Indore dated 7.4.2021 one of the cops is alleged to have hit the throat of rickshaw driver when he tried to get away. Thereafter he was kicked by their boots.

Learned counsel for the petitioner further submitted that another incident of *marpit* by two policemen took place on 10.5.2020 in Village – Piplanarayanwar, Tehsil – Saunsar, District – Chhindwara wherein a policeman was thrashing a person with a stick whereas another policeman was watching. It is further stated that despite fall of the person on the ground, the policeman continued beating and dragging him and thereafter putting him into police vehicle. This video was widely criticized all over the country as it exhibited the highhandedness of policeman. As per the version of the petitioner, it is not only one case but a lawyer and two journalists were also subjected to assault by the police in Madhya Pradesh in last three months.

Learned counsel for the petitioner also pointed out an incident which took place in Palasia Police Station, Indore when a group of people reached the police station in regard to a family dispute. An Assistant Sub Inspector of police is said to have been caught on camera assaulting men and misbehaving with women.

Shri Swapnil Ganguly, learned Deputy Advocate General submits that this Court in its order dated 17.5.2021 in W.P. No. 8655/2021 (**Shekhar Choudhary Vs. State of Madhya Pradesh and others**) has already issued necessary order to the police directing that no citizen, who is found not wearing mask or not following social distancing norms or not following lockdown conditions, should be subjected to corporal punishment or beating. The policemen should rather counsel people by sensitizing them about the need of following Covid protocols such as wearing mask, following norms of social distancing or abiding lockdown/Corona curfew restrictions. As far as the present case is concerned, the charge sheet has been issued against Respondent No.7 Mahesh Prajapati and Respondent No.8/Gopal Jatt, for taking appropriate disciplinary action.

Taking note of the statement made by learned Deputy Advocate General and without commenting on the merits of the case, we direct the Superintendent of Police, Indore to take appropriate action against the erring police officials on complaints of excesses and beating by police including the one against Respondents No.7 and 8 and take the disciplinary proceedings to their logical conclusion. This Court in this respect reiterates its earlier directions already issued in the order dated 17.5.2021, passed in W. P. No.8655/2021 (**Shekhar Choudhary Vs. State of Madhya Pradesh and others**) that no citizen who is found not wearing mask or not following social distancing norms or not following lockdown conditions, should be subjected to corporal punishment or beating. The policemen should rather counsel people by sensitizing them about the need of following Covid protocols such as wearing mask, following norms of social distancing or

abiding lockdown/Corona curfew restrictions.

The present **writ petition stands disposed of** accordingly.

(MOHAMMAD RAFIQ)
CHIEF JUSTICE

(ATUL SREEDHARAN)
V. JUDGE

Anchal