



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.544/2023

Narendar Krushnarao Hiware and Ors. .Vs. The Registrar, MSHRC Mumbai and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. Dewani, Advocate for petitioners.
Mr. I. Damle, A.P.P for respondent Nos.1 to 3.
Mr. P. A. Jibhkate, Advocate for respondent No.5.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATE : NOVEMBER 13, 2025.

On 04.08.2025, following order was passed:

1. *Heard.*
2. *The petitioners challenged the order dated 30/05/2023 passed by the Maharashtra State Human Rights Commission, Mumbai in terms of Section 18 of the Protection of Human Rights Act, 1993. It is petitioners' principal grievance that the principles of natural justice were not followed as no hearing was given. Secondly, the impugned order is non est since it is passed by Single Member, which is in contravention with Maharashtra State Human Rights Commission Regulation 16(4).*
3. *Issue notice to the respondents, returnable on 01/09/2023.*
4. *Shri V. A. Thakare, learned APP waives notice for respondent Nos.1 to 3. 5. In the meantime, there shall be stay to the impugned order dated 30/05/2023."*

2. Thus, grievance of petitioners is two fold. One is, opportunity of hearing was not given and second is that the impugned order is *non est* because it is passed by Single Bench, which is in contravention to Maharashtra State Human Rights Commission (Procedure) Regulations, 2011 ("Regulation").

3. There is no dispute that the grievance made by respondent No.4 was, amongst other, of illegal detention. Regulation 16(4) provides that complaints pertaining to cases of custodial deaths,

custodial torture, custodial rape and illegal detention shall be heard by Division Bench of the State commission.

4. Admittedly, the case under question was considered and heard by the Single Bench of the State Government.

5. Thus, the order is passed by the Bench having no jurisdiction. The writ petition is accordingly partly allowed. Impugned order dated 30.05.2023, passed by respondent No.1 in MAS/Case No.2529/13/17/2020 is quashed and set aside. The matter is remanded back to respondent No.1 for processing afresh, in accordance with law.

6. The parties shall appear before respondent No.1 on 15.12.2025.

(JUDGE)

(JUDGE)

Kahale