

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6365 OF 2025**

Bibi KhatunPetitioner

Versus

State of Maharashtra & Ors.Respondents

Mr. Akshay Shah a/w. Mr. Harsh Shah for the Petitioner.

Mr. S.V. Gavand, APP for Respondent No.1.

Ms. Krupali H. Rajani a/w. Mr. Aayan Mohapatra and Ms. Esha Pachare for Respondent No.3.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 11th MARCH, 2026

P.C. :-

1. The deceased Suber Alam Imran Shaikh is the son of the present Petitioner.

2. The Maharashtra State Human Rights Commission passed a detailed order dated 16th October, 2025 in a proceeding in which the Petitioner appeared as an Intervener. The Superintendent of Police, Ratnagiri and the District Magistrate, Ratnagiri are the Respondents.

3. The case was taken up by the Maharashtra State Human Rights Commission (MHRC) on intimation from the District Superintendent of Police, regarding the death of Suber Alam Imran Shaikh, who died on 23rd January, 2024. It is undisputed that he passed away while in custody and was declared dead by the Sub District Hospital, Kalambani. While closing the proceedings, the Division Bench of MHRC observed in paragraph nos.4 and 5, as under :

“4. We have noted these submissions. However, unfortunately nothing can be done in this matter as on the similar intimation Case No.96/13/25/2024-PCD was registered with the National Human Rights Commission, New Delhi on 25.01.2024 and after inquiry the same was closed by an order dated 17.07.2025 with the following reasons :

The Commission has gone through the analysis of the reports done by the Investigation Division and has perused its recommendation and has also considered other relevant materials placed on the record and observes that as per the reports examined by the Investigation Division, it is evident that there is nothing to show violation of human rights of the deceased by any public servant during his police custody and there is any in adherence and disregard to human rights. Thus, the Commission does not find it suitable to intervene in the matter further and has accordingly decided to close the matter.

5. As the case of custodial death of Suber Alam Imran Shaikh is already closed by the National Human Rights Commission, New Delhi, nothing can be done in the instant case and hence, the same is closed.”

4. Considering the above, we have adverted to the proceedings before the National Human Rights Commission (NHRC), which registered the case on 25th January, 2024. The NHRC also had received intimation from the Superintendent of Police, Ratnagiri, dated 23rd January 2024, regarding the death of Suber Alam Imran Shaikh in the police custody of Police Station, Khed. The deceased was arrested in connection with a crime and was granted police custody remand. He fell unconscious on 23rd January, 2024 and was taken to the Sub District Hospital, Kalambani, where he was declared dead on 23rd January, 2024 at 01:00 hrs.

5. The matter was referred to the Investigation Division for analysis of the reports/records received from the authorities concerned and the Investigation Division, after analysis, found as under :

“.... It is evident after analysis of available

documents that the deceased was arrested on 22.01.2024 at 13:50 hrs in connection with CR. No. 09/2024 u/s 406, 420, 34 of IPC of PS Khed, and his police remand was granted by the court till 29/01/2024. He felt unwell and fell unconscious while in police custody. He was immediately rushed to the Sub District Hospital, Kalambani, for the treatment. On 23/01/2024 at 0100 hrs, he was declared dead in the course of treatment in said hospital. One abrasion on the right mid clavicular region and a contusion on the right wrist joint were detected on the body of the deceased; however, it is also mentioned that multiple incisions were taken over the body, but no hemorrhagic infiltration was noted as well as any internal injuries. The FCoD was coronary artery disease with pulmonary edema with fatty liver. The Enquiry Magistrate checked the video footage of the day of the incident and found that no physical torture happened with the deceased during police custody and concluded that this death was natural and did not find any negligence. No one raised any suspicion about the death. Nothing in this file suggests any human rights violation in this matter.”

6. In light of the above, the Petitioner has preferred this Petition seeking a direction to SHRC to investigate and register an FIR on the basis of the Petitioner’s complaint dated 25th January, 2024. The Petitioner also seeks initiation of an enquiry by the NHRC. In prayer clause (d), a Writ is sought to be issued *suo motu* to initiate an enquiry against the NHRC as to why the matter was closed. In prayer clause (e), a Writ is sought to be issued branding

the Police Officers of Khed Police Station as corrupt Police Officers and seeking proceedings against them.

7. None of the Police Officers are arrayed as Respondents. The Petitioner has not challenged the order of the NHRC. Similarly, the order of the MHRC is also not under challenge.

8. At this juncture, the learned Advocate for the Petitioner submits that the Petitioner be permitted to withdraw this Petition and that he would challenge the decision of the NHRC.

9. The learned Advocates for the Respondents submit that the Petitioner will have to approach the Delhi High Court.

10. In view of the above, **this Petition is disposed off as withdrawn**, on instructions. If the Petitioner desires to challenge the order of the NHRC, all contentions of all the parties, including the issue of jurisdiction, are kept open.

11. Before parting with this matter, considering the behaviour of the learned Advocate Mr. Akshay Shah in the Court, we record that he should remain conscious of maintaining the dignity of the Court while addressing it. Mr. Shah tenders his sincere apology, which is recorded.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)