

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 30 th March, 2010.

H.R.M.P.No 500 of 2009.

Petitioner : Usha, D/o Indira,
Puthuval Puthenvetil,
Aduppukoottanpara,
Peroorkada Village, Thiruvananthapuram.

Respondent :

ORDER

The complaint of the petitioner is that a group of persons who are 25 in number trespassed into her house, assaulted her, her husband and her son and when they went to the hospital on the direction of Peroorkada Police, one Unni along with the Sub Inspector of Police, Peroorkada, and police party took away 56 sovereigns of gold, Rs.50,000/- and three mobile phones from her house. According to her, next day they were discharged from the hospital by the Police and brought them to Peroorkada Police Station where crime 56/09 was registered against them and that they were produced before the Magistrate during night who remanded them and on 26-1-2009 she was released on bail . It is also stated in the petition that crime 57/09 was registered against the persons for assaulting the petitioner and her family members. It is her further complaint that the police did not give back the gold, money and the mobile phones though she produced the

records before the Police and the S I threatened that he will implicate her and family members in case.

In the report submitted by the Assistant Commissioner of Police, Cantonment, it is stated that his predecessor conducted an enquiry in the matter. According to the report, an action council was formed on 20-1-2009 under the leadership of Vijukumar, Panchayat Member, Vattiyoorkavu, against the sale of gunja at Aduppukoottanpara, and on 25-1-2009 a quarrel took place between the members of the action council and the petitioner, her husband and sons in which both parties suffered injuries. In the report it is further stated that action council members threatened and tried to attack the Police officials who came to the spot on getting information about the quarrel for which Peroorkada Police registered crime 55/09 under various offences including section 27 of Arms Act and the investigation is progressing. According to the report, a crime in crime No.56/09 was registered against the petitioner, her husband and her sons for assaulting the action council members for various offences including section 27 of Arms Act, and the accused were arrested and produced before the Court on 26-1-2009 and later they were released on bail by the Court.

In the report it is further stated that for assaulting the petitioner, her husband and sons by 17 members of the action council crime 57/09 was registered against the said 17 persons for various offences including section 27 of Arms Act and that the investigation in the crime is pending. In respect of the allegation that the Police took away gold , cash and mobile phones from her house it is stated in the report that since an enquiry is required in the matter the said complaint along

with the complaint filed by the petitioner before the Chief Minister's Public Grievance Redressal Cell was forwarded to the Circle Inspector of Police, Peroorkada, where crime 103/09 u/s 380 r/w 34 IPC was registered and that the investigation is taken up by the Circle Inspector of Police.

The above report shows that in respect of the assault on the petitioner and her family members Peroorkada Police registered crime against the accused and the investigation is going on and it can also be seen from the report that a counter case was also registered against the petitioner and others and the same is also pending investigation. The report also shows that the Police also registered crime 103/09 in respect of the allegation that the police took away the gold and other valuables from the house of the petitioner and the investigation is taken up by the Circle Inspector of Police.

In view of the above report no further orders can be passed by this Commission since case and counter cases are registered by Police and the investigations are progressing and more so, in view of the judgment of the Supreme Court in 'Sakri Vasu Vs. State of U.P and Others in AIR 2008 Supreme Court 907'.

The petition is accordingly closed.

Justice N.Dhinakar,
Chairperson