

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

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

Dated this the 05th December, 2008.

H.R.M.P.No.105/2008

Petitioner : Sangeetha, T C. 50/612,
Marwel C-42, Kulathara,
Kalady, Karamana.
Thiruvananthapuram.

Respondents : 1) Sarojini,
2) Sunny,
3) Krishnankutty,
4) Son of R4
5) Padmanabhan,
6) Wife of R5,
7) Vanaja,
8) Husband of R7.

ORDER

In the above complaint the petitioner has alleged that R1 Sarojini who had taken a portion of the house of the petitioner on 'otty' for a sum of Rs.2/- lakhs did not occupy the same but the said portion is used by some ladies and gents who frequent it and according to the petitioner, when she wanted R1 to vacate the premises it was not agreed and later on 5-1-2008 respondents damaged the lock of the house, entered into it and committed theft of Rs.1, 50,000/- and 22.5 gold sovereigns and other valuables to which she gave a complaint before the Police but no action was taken.

In the report submitted by the City Police Commissioner, Thiruvananthapuram, it is stated that the petitioner had given an advertisement in

dailies to give a portion of her house on 'otty' and accordingly R1 Sarojini agreed to take the house for two years on 'otty' for a sum of Rs.2,50,000/- and an agreement was prepared and signed by both parties and the petitioner accepted Rs.2,00,000/- with a condition that Sarojini will pay the balance amount of Rs.50,000/- within three months from the date of the agreement and that if she fails to pay she must vacate the house by receiving Rs.2,00,000/- from the petitioner which was paid to her and that the petitioner also agreed to renovate the premises so that R1 can occupy the house from 1-1-2008. In the report it is stated that in spite of the promise made by the petitioner the house was not renovated till 5-1-2008 and that the petitioner locked the premises and went out and later after returning abused the respondents for occupying the house without informing her.

According to the report, a complaint was filed by R3 Krishnankutty before the Fort Police Station against the petitioner and her parents which was registered as crime No.16/08 and similarly the complaint given by the petitioner alleging that cash and jewels were stolen by respondents was registered as crime No.18/08 at Fort Police Station and investigation on both cases are pending. It is also stated in the report that R1 Sarojini obtained an order of injunction in I A No.492/08 in O S No.96/08 injunction the petitioner from evicting her. It is also reported that the parties settled their disputes through their advocates and petitioner returned the amount to R1 Sarojini and the criminal cases are pending investigation.

The statement of the petitioner Sangeetha is also annexed to the report in which she has stated that the civil case was settled and she requested that the investigation of the crime No.18/08 may be expedited and steps may be taken to return the stolen articles.

The report, therefore, shows that crimes have been registered against the petitioner and R1 and they are pending investigation and the civil case is settled between the parties.

In view of the above no further orders are required except to direct the investigating agency to expedite the investigation and file the final report, if not already filed, before the Court concerned. As regards the stolen articles the petitioner has to approach the Court concerned for necessary order as this Commission has no jurisdiction to issue such direction in a criminal case.

With the above direction the petition is closed. Send a copy of the order to the petitioner.

Justice N.Dhinakar,
Chairperson.