

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

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

Dated this the 13th September, 2010.

H.R.M.P.No.314 of 2010

Petitioner : D.Sujatha, S.R.Bhavan,
Thottakkad.P.O, Valakkottumala,
Manambur Village.

Respondents : 1) Prasad.V.S, Kizhakkethil veed,
Kaduvayilkonam, Thottakkadu.P.O.
2) Sathyadas.V.S, Kizhakethi, veed,
Kaduvayilkonam, Thottakkadu.P.O.
3) Sunilkumar, Sreenilayam,
Thottakkadu.P.O.
4) Son-in-law of Bose, Kizhakkethil veetil.
5) Ratheesh, Valiyavila veed, Manambur.
6) Others who are identifiable by sight.

ORDER

The complaint of the petitioner is that the respondents mentioned in the complaint and other known persons trespassed into her house and assaulted her, her two children and her husband and the Police officials who came to the spot after the incident assaulted her husband and arrested him and no action was taken to apprehend the real culprits.

The Chief Investigation Officer (CIO) of this Commission was asked to enquire and file a report and he filed an interim report dated 16-7-2010 and thereafter filed the final report dated 31-8-2010. The reports of the CIO show that he has examined several persons including the petitioner as W1, her husband as W2, first respondent as W6, second respondent as W7, third respondent as W5

and other witnesses. He also recorded their statements and perused exhibits A to P which are annexed to the final report.

The sum and substances of the report shows that in respect of an incident dated 19-1-2010 two crimes were registered; one on the complaint of the first respondent in crime No.70/10 and another on the complaint of the petitioner in crime No.75/10 and after investigation final reports were filed before the Court in both the cases.

In the above circumstances it is clear that the matter is now subjudiced. This Commission cannot give any finding on the statement of the Sub Inspector of Police, Kallambalam, who was examined as W8, that no complaint was given by the petitioner till 22-1-2010 and that the complaint of the first respondent was registered on 20-1-2010 since a complaint was given by the first respondent on the said date. The explanation offered by the Sub Inspector of Police, Kallambalam, for the delay in taking the complaint of the petitioner and registering a case in the same will be an issue before the Court in the trial and therefore this Commission cannot give any finding on the said issue since it will amount to interference in the judicial proceedings.

Hence the petition is closed.

Justice N. Dhinakar,
Chairperson.