

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

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

Dated this the 10th December, 2008.

H.R.M.P.No.401/2008

Petitioner : S. Sobhi
Uthram Nivas, Thannimood,
Anad Village, Nedumangad Taluk,
Thiruvananthapuram Dist.

Respondents : Neelakantan, Roadarikathu veetiil,
Thannimood, Nedumanagad Tasluk,
Thiruvananthapuram and his goondas.

ORDER

The complaint of the petitioner is that with regard to an incident at 2p.m. on 31-12-2007 during which she was assaulted, raped and robbed cash and gold ornaments no action was taken by Nedumanagad Police in spite of her complaint and that the said criminal acts were committed by Neelakantan and two other goondas against whom earlier police have registered cases and trials are pending as CC.316/05 and CC. 615/05. She also alleged in the complaint that the respondents assaulted her son also.

In the report submitted by he Superintendent of Police (Rural), Thiruvananthapuram, it is stated that as regards the incident on 31-12-2007 a crime in crime No.2/08 was registered on the statement of petitioner's son and it is being investigated. According to the report, on 4-1-2008 the petitioner gave her statement to the police, which revealed that two unknown persons entered her

house and threatened to withdraw the complaint filed against Neelakantan by forcibly pulling her down on the cot, injured her with knife and threatened to kill her. According to the report, the said statement also shows that her son who interfered was also assaulted and her son saw R1 Neelakantan standing in front of the house of the petitioner. It is also stated in the report, that on 11-9-06 on the complaint of Solomon Philip, Nedumangad Police registered crime No.743/06 against the petitioner and her sisters and the matter is under trial before the Judicial First Class Magistrate – II, Nedumanagad. According to the report, the petitioner did not make any allegation of rape in the statement given to the investigating officer and her son also did not mention that R1 Neelakantan assaulted them but on the contrary stated that two unknown persons assaulted them. In the report it is also stated that in CC No.316/05 and CC No.615/05 neither the petitioner nor the respondents are accused. It is further stated in the report, that as regards the allegation of robbery of Rs.50,000/-in cash and also gold ornaments, a detailed enquiry is required on account of some monetary transactions between the petitioner and Deepa, Gopi, Sreekmatr and Sumathi. It is also stated in the report that crime No.2/08 u/s 452, 324, 506(ii), 354, 308 and 34 IPC was registered with regard to the alleged incident on 31-12-2007 and investigation is pending.

The statement of R1 Neelakantan is also annexed to the report along with the statement of the petitioner.

In view of the report no further action is required on this petition since police have already initiated steps by registering a crime and if the petitioner is aggrieved that no crime is registered for the offence of rape she has to approach the Court by filing a private complaint as this Commission has no jurisdiction to interfere in the investigation since the final report will be filed by the investigating officer before the Court after the completion of investigation.

The petition is, therefore, closed.

Justice N.Dhinakar,
Chairperson.