

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

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

Dated this the 21st January, 2010.

H.R.M.P.No.51/2009

Petitioner : . Xavier Paul, Advocate,
Palatti,
S.N.D.P.Junction,
Angamali.

Respondents :. 1) Jose, S/o Prothasis,
Kiliyelikkudi, Valavazhi junction,
M.C.Road, Angamali.
2) Arackal Benny alias Cheruveli Benny,
Near Kidnagur Yudapuram Church
3) Baiju, B/o R2
4) Bejoy @ Unni, Keezhpulli,
S.N.D.P.Junction, Angamali.
5) Benny (Twins Benny), Pallipat,
S.N.D.P.Junction, Angamali.
6) Saji, S/o Menachery Devassi,
Angamali C Colony.
7) Babu, Parai, Aluva.
8) Davis, S/o Thaliyan Kurian, Thuravur.
9) Benoy (Mathai), Kunnappilly,
S.N.D.P.Junction, Angamali
10) Joshi, S/o Thaliyan Poulouse, Thuravur.
11) Jobi, Areekkal, Thuravur.
12) M.J.Paulson, Mulavarikka, Thuravur.
13) Jose, Kaiprambat, Mukkanur.

ORDER

The Complaint of the petitioner, who is an advocate by profession, is that he was kidnapped by the respondents in respect of a transaction of his land, threatened and harassed and he was forced to execute a document and no action

was taken by Angamali Police and further bit notice was circulated containing his photograph making defamatory allegations against him.

In the report submitted by the Deputy Superintendent of Police, Perumbavoor, it is stated that the respondents 1 to 3 entered into an agreement with the petitioner for purchasing his 31½ cents of land and Rs.2/- lakhs was paid to the petitioner as advance as sale consideration but the petitioner later went back from his promise and therefore notice was issued to the petitioner through an advocate. It is also stated in the report that in the meantime the petitioner sold 21½ cents of land out of the above 31½ cents in favour of Johny Chirayath and therefore R 1 to 3 contacted Johny who informed them that he did not purchase the said land but the petitioner has created a sale deed as if he sold the said land to Johny. According to the report, the parties thereafter discussed the issue and came to a settlement that the petitioner should make a sale deed in favour of the persons suggested by the respondents. It is further stated in the report that the allegation of the petitioner that notice containing defamatory allegations made against him is false as the respondents have no role in the matter and that the petitioner did not appear for enquiry in connection with the HRMP though several opportunities were given to him and therefore his statement could not be recorded.

In view of the above report no further orders are required from this Commission as the complaint and the report show that the matter relates to a civil dispute. If the petitioner has any grievance as regards the defamation notice containing his photograph and defamatory allegations against him it is for him to

approach a judicial forum to file a complaint against the concerned parties for defamation as neither the Police nor this Commission have jurisdiction in the matter in view of the Provisions contained in the Cr.P.C.

The petition is closed with the above observation.

Justice N. Dhinakar,
Chairperson.

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