

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

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

Dated this the 23rd April, 2010.

H.R.M.P.No.520 of 2009

Petitioner : Sheeja, D/o Vijayalakshmi,
Anandabhavan, Muriyankara,
Parassala Village, Neyyattinkara Taluk,
Thiruvananthapuram Dist.

Respondents : 1) Sub Inspector of Police, Parassala Police Station.
2) Vikraman Nair, ASI of Police, Do
3) Mohanan Nair, Arun Bhavan,
Muriyamkara, Parassala.

ORDER

Cases are pending between the petitioner and the third respondent, who is her husband, before the Family Court, Thiruvananthapuram, and the Judicial First Class Magistrate Court, Thiruvananthapuram. Her complaint is that at the instigation of R3, her husband, R2 ASI is harassing her by visiting her house even at odd hours and abusing and threatening her. According to her, the respondents came to her house at night on 28-1-2009 and caused damages to the door of her house and went back after some time. Though she filed petitions to the Police and also to the Additional Director General of Police no action was taken to redress her grievance.

In the report submitted by the Superintendent of Police, Rural, Thiruvananthapuram, it is stated that the complaint was enquired through the Assistant Superintendent of Police (ASP), Neyyattinkara, and in the report it is stated that the police officials went to the house of the petitioner as part of their official duty and no police officer entered her house and that cases are pending between the petitioner and her husband (R3) before the Courts and this HRMP is filed to prevent the visit of the police to her house in respect of these cases.

The S P, Rural, has also forwarded the enquiry report, prepared by the A S P, Neyyattinkara, to this Commission and in the said report the ASP has stated that crime 810/08 was registered as per the direction of the JFCM, Neyyattinkara, on the allegation that the petitioner and her brother Shaji and others encroached the house of R3 and the same is pending trial as C.C.26/08 before the Court. According to the said report petitioner's brother Shaji is an accused in ST 2405/08 before the JFCM-II and Vikraman Nair, ASI of Police (R2) went to the house of the petitioner to serve the summons to the accused in C.C.26/06 and also the warrant on Shaji in ST 2405/08 and as she did not accept the summons and not opened the gate R2 returned and later R1 and R2 reached the home of the petitioner but they went back without implementing the order of the Court since she did not open the gate.

In the report the ASP has further stated that in respect of the same allegations in the HRMP the petitioner has filed WP © 5305/09 against the respondents before the High Court and that R3, husband of the petitioner, filed WP© 5743/09 before the High Court for Police Protection and the above writ petitions are pending before the High Court.

The above reports show that cases are pending before the Courts between the petitioner and her husband R3. It is also stated that the petitioner filed a petition before the High Court against the respondents with the same allegations as in the HRMP and her husband (R3) also filed a case before the High Court and they are pending before the High Court.

In view of the above, no further orders can be passed by this Commission since the matter had become subjudice. The petition is hence closed.

Justice N. Dhinakar,
Chairperson.