

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

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

Dated this the 19<sup>th</sup> November, 2010.

**H.R.M.P.No.540 of 2010**

Petitioner : P.K.Alex, Adayara Puthen veed,  
Channapetta, Anchal, Kollam.

Respondents : 1) K.Jacob, Adayara Puthenved,  
Anakkulam, Channapetta, Pathanapuram.  
2) Amminikutty, W/o R1  
3) Anil Jacob, S/o R1.

**ORDER**

The complaint of the petitioner is that in respect of the encroachment and denial of way to the petitioner and his family by the respondents his complaint before the Revenue Divisional Officer and Eroor Police became futile. It is his further complaint that the respondents assaulted his wife on 11-1-2010 on account of which she was hospitalized and no action was taken by Eroor Police on his complaint.

In the report submitted by the Deputy Superintendent of Police, Punalur, it is stated that the petitioner and the first respondent (R1) are brothers and in respect of a boundary dispute between the parties they were not in cordial terms and used to create problems in the area. According to the report, Eroor Police registered crime 165/08 on 12-4-2008, crime 270/08 on 13-6-2008, crime 486/08 on 16-11-2008 and crime 6/10 on 2-1-2010 on the complaints of the petitioner and that after completing the investigation all the above crimes were charge sheeted before the Court and they are pending trial before the Court. In the report it is also stated that on the complaint of the R1 crime 226/09 on 22-6-2009, crime 529/09 on 3-12-2009 and crime 5/10 on 2-1-2010 were registered at Eroor Police Station against the petitioner and charge sheets were filed in all the above crimes before the Court after completing the investigation and that they are pending trial before the Court.

It is also stated in the report that, since the petitioner and his brother (R1) are creating law and problems in the area crime 569/09 u/s 107 Cr PC was registered a Eroor Police Station and a report was filed before the Sub Divisional Magistrate, Kollam, and the Court issued notices to the parties and the enquiry is pending. While the enquiry was going on before the Sub Divisional Magistrate Court the petitioner and the first respondent quarreled against each other during December 2009 and January, 2010 and therefore, the above mentioned crimes 5/10 and 6/10 were registered on their complaints. According to the report, on the complaint of Aleyamma, wife of the petitioner, crime 32/10 was registered at Eroor Police Station against the respondents and after completing the investigation final report was filed before the Court on 22-2-2010 and the same is pending trial as C.C.545/10 before the Court. The report concludes by stating that the allegations made by the petitioner in the complaint are baseless since the Police took legal action on the complaints filed by him and the first respondent and during the enquiry it came to the knowledge that a case is pending before the Munsiff Court, Punalur, in respect of a property dispute between them.

The above report, therefore, shows that the Police registered cases and counter cases on the complaints filed by the petitioner and R1 and that final reports were also filed before the Court in the above cases and they are pending trial before the Court. The report also shows that in respect of a property dispute between the parties trial is progressing before the Court.

In the above circumstances, no further orders can be passed by this Commission in view of clause 17 (f) and (h) of the Kerala State Human Rights Commission (Procedure) Regulations, 2001, since the matter had become subjudice and relates to civil disputes. The petition is closed.

Justice N. Dhinakar,  
Chairperson.