

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

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

Dated this the 19th January, 2011.

H.R.M.P.No.558 of 2010

Petitioner : Vimala Nepolian,
Amritha Mandiram, Kanjirakode,
Kundara .P.O..

Respondent : .

ORDER

The complaint of the petitioner is that one Manoj encroached into her house at 10.30 am on 4..02..2010, in an intoxicated stage, assaulted and abused her and also damaged the house hold articles kept in her house. In this connection petitioner filed a complaint before the Sub Inspector of Police, Kundara. The petitioner alleges that the above said Sub Inspector, in order to save Manj is filing false cases against the petitioner. The petitioner prays that action may be initiated against the respondent Manoj and the Sub Inspector of Police, Kundara Police Station, by this Commission.

A report was called for from the Deputy Superintendent of Police, Kollam, and accordingly he forwarded an enquiry report of the Circle Inspector (C.I.) of Police, Kundara, who conducted the enquiry. In the report the C.I. of Police Kundara, he has stated that on the statement of the petitioner, Kundara Police registered a crime in Crime No.213/10 on 4..2..10 and an investigation was conducted. It is further stated in the report that during the investigation it was revealed that the complaint of the petitioner is baseless and a refer report was

prepared. It is also stated in the report that on 4..2..10 the petitioner's brothers tied the respondent Manoj and assaulted him and Kundara police registered crime No.212/10 and after investigation charge sheet was filed before the Court. There is a pathway near the petitioner's house and the public are using this pathway and in this connection a civil case is pending before the Munsiff Court, Kollam. Regarding the above said dispute the petitioner filed a complaint before the JFMC -1 and Kundara Police registered Crime No.1078/08 u/s.294(b), 427, 447, 504 & 34 IPC and investigated and found that this was also a false case and accordingly a refer report was filed before the Court. Now the petitioner has filed a complaint before the High Court of Kerala in connection with the pathway dispute and Kundara Police submitted a statement of facts before the High Court. The report concludes by stating that there are several cases pending before different Courts and the averments are civil in nature and hence no other steps were taken by Kundara Police.

In view of the above report no orders can be passed by this Commission as there are cases pending before different Courts. If the petitioner is aggrieved against the investigation and the refer report filed by the Police before the Court she has to seek her grievance redressed before the Court concerned in view of the judgment of the Supreme Court in "Sakri Vasu Vs State of U.P. and others "AIR 2008 Supreme Court 907".

The petition is therefore closed.

Justice N.Dhinakar,
Chairperson.