

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

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

Dated this the 10<sup>th</sup> June, 2010.

H.R.M.P.No.618 of 2009

Petitioner : I. Kunjumon, "Makam",  
Rajaji Nagar, A.K.G. Nagar Colony,  
Kachani, Nettayam, Vattiyoorkav,  
Thiruvananthapuram.

Respondent :

**ORDER**

The complaint of the petitioner is that the Circle Inspector (C I) of Police, Nedumangad, encroached into his house at 7.30 p.m. on 6-2-2009 when he was not there and assaulted his wife on account of which she was admitted in the General Hospital, Thiruvananthapuram, for treatment.

A report was called for from the Deputy Superintendent of Police, Nedumangad, and as the report was not filed several reminders were sent and also contacted his office over telephone to file the report. Thereafter the present report, which is a copy of the report filed to the Chief Minister, is forwarded to this Commission.

In the said report it is stated that in respect of a dispute between the petitioner's son Manoj and Abdul Rasheed on account of non-payment of some amount, Manoj assaulted the sons of Abdul Rasheed and on the complaint of Abdul Rasheed crime 77/09 was registered against Manoj, son of the petitioner,

and during the course of investigation the C I of Police, Nedumangad, went to the petitioner's house on 6-2-2009 in search of his son Manoj and also to trace the weapon used by Manoj for committing the offence and that the petitioner's wife was not assaulted by the C I of Police.

It is further stated in the report that during the course of investigation Manoj surrendered before the Court on 16-3-2009 and he was remanded to judicial custody and thereafter given to police custody and later he was released on bail. According to the report, after the investigation final report was filed before the Judicial First Class Magistrate – II, Nedumangad, and the same is pending there trial in C.C. 314/09.

On going through the complaint and the statement of the petitioner's wife as well as the C I of Police, it could be seen that a specific allegation was made in the complaint as well as in the statement of the petitioner's wife that on account of the assault of the C I of Police, Nedumangad, the petitioner's wife had to be admitted in the General Hospital, Thiruvananthapuram, and treated for eleven days. In the report there is only a mere denial of assault by the C I of Police and in the report there is nothing to show that the enquiry officer tried to obtain the medical certificate from the hospital to find out whether the allegation in the complaint and the statement of the petitioner's wife that she was assaulted by the C I of Police and on account of which she was admitted in the hospital for treatment are true or not. The enquiry officer did not take any pains for obtaining the certificate either from the petitioner or his wife or from the medical authorities and simply stated that the allegation is not true without verifying the certificate

and merely by relying upon the statement of the C I of Police who denied the allegation.

I am, therefore, not satisfied with the report sent by the Deputy Superintendent of Police, Nedumangad, and in the above circumstances, the Superintendent of Police (Rural), Thiruvananthapuram, will nominate a senior Police Officer to conduct an enquiry in the matter who will give an opportunity to all the parties concerned by sending them notice sufficiently in advance for present their evidence including documents and thereafter pass appropriate orders according to law.

The petition is closed accordingly. Send a copy of this order each to the petitioner and the Superintendent of Police (Rural), Thiruvananthapuram.

Justice N. Dhinakar,  
Chairperson.