

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

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

Dated this the 8th June, 2010.

H.R.M.P.No.751 of 2010

Petitioner : Mrs Pastor K.J.Sam (P.S.Prabha),
Kripa Bhavan, Rakshapuri lane,
Kesavadasapuram, Pattom.P.O,
Thiruvananthapuram.

Respondent :

ORDER

The complaint of the petitioner is that on 13-2-2010 Prakash, the Sub Inspector (S I) of Police, Medical College Police Station and his police party came to her house when she was alone their, threatened and asked her to send her husband to the Police Station. According to her, the Police officials are frequenting her house and harassing her and when she filed a petition before D.Asokan, the Circle Inspector of Police, he behaved rudely to her. She requests for enquiry and action against the above Police officials.

In the report submitted by the City Police Commissioner, Thiruvananthapuram, it is stated that the matter was enquired through the Assistant Commissioner of Police, Shanghumugham and in the report it is stated that in respect of a boundary dispute between the petitioner's husband Samraj and his neighbour N.S.Syam, the latter filed petitions before the Court, Corporation and the Ombudsman and that N.S. Syam also obtained a judgment from the High Court in his favour by giving a statement that he will demolish the constructions made by him if it is found irregular by the Court. According to the report, the said N.S.Syam filed a petition before the Police Station that the

petitioner's husband is still preventing his construction. Both parties were informed by the S I of Police to appear before him and that when the petitioner approached the C I of Police he directed the petitioner to send her husband to the S I of Police with the records and the report denied the allegation of the petitioner. The report concluded by stating that this petition was filed since the petitioner's husband was asked to appear before the S I of Police.

The report therefore shows that there is a boundary dispute between the petitioner's husband and N.S.Syam and petitions were filed before various authorities including the Court and the Ombudsman. It also shows that a judgment was delivered by the High Court in favour of Syam on an undertaking given by him and the dispute is still continuing, as could be seen from the report, on account of the petitioner's husband preventing the construction by Syam.

The above facts, therefore, show that the dispute is civil in nature and hence the S I of Police was not justified in asking the petitioner's husband to appear before him as he has no jurisdiction to mediate in civil disputes. The S I of Police also ought to have seen that if the order of the High Court was not complied with by any of the parties then the aggrieved party could only approach the High Court for any further orders and he has no role to play in such civil disputes.

Therefore, Prakash, the Sub Inspector of Police, Medical College Police Station may be put on a notice and advised that in future he will not interfere in civil dispute between the parties.

With the above direction the petition is closed. Send a copy of this order to the City Police Commissioner, Thiruvananthapuram.

Justice N. Dhinakar,
Chairperson.