

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

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

Dated this the 14th May, 2010.

H.R.M.P.No646 of 2009

- Petitioner : V.Vijayan,
House No.69, Kulasekharam Leksham
Veedu Colony, Kodunganoor.P.O.
Thiruvananthapuram.
- Respondent : 1. Mohandas, S.I. of Police, Vattiyoorkavu.
2. Sumi w/o Vaisakh, East Mantharathil
Veedu, Kodunganoor.P.O.
3. Vaisakh –do-

ORDER

The complaint of the petitioner is that he entered in to an agreement with R2-Sumi to sell his property and received the advance but as R2 did not buy the property within six months as per the terms of the agreement he questioned R2 but R2 told him that she did not want the property and wanted him to repay the advance amount. According to the petitioner both parties filed petitions before Vattiyoorkavu Police and the matter was settled and later on 9..2..09 R1-Mohandas, Sub Inspector of Police, Vattiyoorkavu Police Station , summoned him to the Police Station where he was assaulted and threatened that he will implicate him in false cases and also obtained his signature in a blank paper.

In the report sent by the Assistant Commissioner of Police, Contonment, it is admitted that the petitioner and R2-Sumi entered into an agreement and the petitioner received a sum of Rs.15,000/- as advance and later R2-Sumi wanted either for the registration of the sale document or to return the advance amount. As the petitioner

refused it she filed a petition before Vattiyoorkavu Police on which the parties were summoned and the petitioner was advised to repay the advance amount received by him from R2 to which he agreed. According to the report as the petitioner did not repay the amount R2-Sumi and her husband Vaisakh, R3, once again made a complaint to Vattiyoorkavu Police Station and therefore the petitioner was summoned and was asked to repay the amount and he did not pay the amount. According to the report thereafter the parties were advised to settle their dispute through the Civil Court as it was civil in nature and the allegation of assault by R1 on the petitioner is denied.

The petitioner is present before me and he reiterates the allegations. I have perused the report. Along with the report the statement of R1-Mohandas, Sub Inspector of Police, is also annexed. He denied the allegation in the complaint.

The averments in the complaint and the report indicate that the Police Officer intervened in a civil dispute between parties which by itself is not called for as it is not for his duty to interfere in private civil disputes between the parties. If there had been a complaint from R2-Sumi the Sub Inspector ought to have advised her even at that stage to approach the Civil Court to seek her grievance redressed if the advance amount received by the petitioner was not repaid. The Sub Inspector, on the contrary, summoned both parties, mediated and not being satisfied with that he also summoned the parties concerned subsequently when another complaint was filed by R2 complaining that the petitioner did not repay the advance amount though he earlier agreed at the Police Station to repay the sum. The Sub Inspector tried to mediate the dispute though he had no jurisdiction as a Police Officer to interfere in such disputes.

In the above background the complaint of the petitioner that he was assaulted by the Sub Inspector is to be considered. When the petitioner was questioned before me he produced Xerox copy of an O.P. ticket dated 10..2.. 09. It is noted therein that the petitioner appeared before the Medical Officer, General Hospital, Thiruvananthapuram,

on the next day and complained to the Medical Officer that he was assaulted at 8.30 PM at Vattiyookavu Police Station on 9.2.09. The O.P. ticket also states that on examination, the Medical Officer found some minor injuries on the body of the petitioner. In any event in view of the conduct of the Sub Inspector and the statement of the petitioner corroborated by the O.P. ticket issued by the hospital authorities the complaint warrants an enquiry in the matter and accordingly an enquiry is to be conducted by an officer nominated by the City Police Commissioner, Thiruvananthapuram, and the officer so nominated shall issue notices sufficiently in advance to the parties concerned to produce their evidence and then pass appropriate orders according to law.

The petition is closed with the above direction. Send copy of this order each to the petitioner and the City Police Commissioner, Thiruvananthapuram.

Justice N. Dhinakar,
Chairperson.