



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

WEB COPY

CrI.O.P. (MD)No.9809 of 2020

Indirani

... Petitioner

-vs-

1.The Commissioner of Police,
Trichy City.

2.The Assistant Commissioner of Police,
Palakkarai, Trichy.

3.The Inspector of Police,
Palakkarai Police Station, Trichy. ... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the respondents 1 to 3 to give police protection to the petitioner and her property situated in D.No.19, Kuruvikara Street, Keelapudur Road, Palakkarai, Trichy as per Rule 21 of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

For Petitioner : Mr.RJ.Karthick

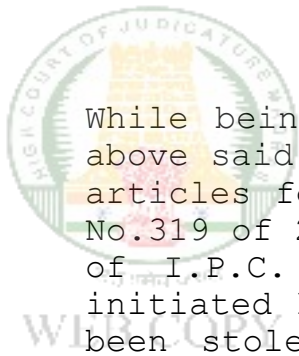
For Respondents : Mr.S.Chandra Sekar

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the respondents 1 to 3 to give police protection to the petitioner and her property situated in D.No.19, Kuruvikara Street, Keelapudur Road, Palakkarai, Trichy, as per Rule 21 of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

2.The case of the petitioner is that the petitioner is residing in the petition mentioned address as tenant for the past 35 years and she is paying the rent to the landlord without any default. She is the senior citizen while being aged about 60 years. On 25.02.2020, when at the time the petitioner went to her sister's house in Kollam for attending function, one Periyasamy, Thangammal and his daughter Chithra planned to vacate the petitioner from the house. Further, they attempted to grab the property illegally. In this regard, the petitioner had already filed a suit in O.S.No.247 of 2019 on the file of the II Additional District Munsif Court, Trichy, seeking the relief not to evict her under due process.



While being so, on 28.06.2020, using the petitioner's absence, the above said persons trespassed into her house and stole the household articles for which a case has been registered against them in Crime No.319 of 2020 for the offence punishable under Sections 448 and 380 of I.P.C. Thereafter, in respect to the same, no action was initiated by the third respondent and also the property which have been stolen away at the time of occurrence, have also not been recovered. In this regard, the petitioner made a complaint on 29.01.2020 to the Chief Minister Special Cell for taking action to restore her possession. Because of the reason that the petitioner lodged a complaint against the above referred accused, they often threatened the petitioner to withdraw the complaint given against them. In this regard, the petitioner prayed for police protection.

3.The learned counsel for the petitioner would submit that it would suffice to direct the respondents to consider the representation given by the petitioner dated 29.07.2020.

4.In this regard, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that if this Court pass any appropriate order, the respondents police is ready to follow the same.

5.Upon considering the arguments advanced on either side, it is not in dispute the petitioner is aged about 60 years and further she is a widower. In the said circumstances, it is relevant and useful to see the Rule 21 of the Tamil Nadu Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which reads as follows:-

21. Action plan for the protection of life and property of Senior Citizens:- (1)The District Superintendent of Police and in the case of cities having a Police Commissioner, such Police Commissioner shall take all necessary steps, subject to such guidelines as the Government may issue from time to time for the protection of life and property of senior citizens.

(2) Without prejudice to the generality of sub-rule (1):-

(i) each police station shall maintain an up-to-date list of senior citizens living within its jurisdiction, especially those who are living by themselves (i.e. without there being any member in their household who is not a senior citizen);

(ii) a representative of the police station together as far as possible, with a social worker or volunteer, shall visit such senior citizens at regular intervals of at least once a month, and shall, in addition, visit them as quickly as possible on receipt of a request of assistance from them;



(iii) complaints/problems of senior citizens shall be promptly attended to, by the local Police;

(iv) one or more Volunteers' Committee(s) shall be formed for each Police Station which shall ensure regular contact between the senior citizens, especially those living by themselves, on the one hand, and the police and the district administration on the other;

(v) the District Superintendent of Police or, as the case may be, the Police Commissioner shall cause to be publicised widely in the media and through the Police Stations, at regular intervals, the steps being taken for the protection of life and property of senior citizens;

(vi) each Police Station shall maintain a separate Register containing all important particulars relating to offences committed against Senior Citizens as in Annexure IV;

(vii) the Register referred to in clause (vi) shall be kept available for public inspection, and every officer inspecting a Police Station shall invariably review the status as reflected in the Register;

(viii) the Police Station shall send a monthly report of such crimes to the District Superintendent of Police by the 10th of every month;

(ix) list of Do's and Don'ts to be followed by senior citizens, in the interest of their safety will be widely publicised;

(x) antecedents of domestic servants and others working for senior citizens shall be promptly verified, on the request of such citizens;

(xi) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighbourhood, Residents' Welfare Associations, Youth Volunteers, Non- Government Organisations, etc;

(xii) the District Superintendent of Police shall submit to the Director General of Police and to the District Collector, a monthly report by the 20th of every month, about the status of crimes against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month;

(xiii) the District Collector shall cause the report to be placed before the District-level Coordination-cum-Monitoring Committee constituted under rule 23.



(xiv) The Director General of Police shall cause the reports submitted under clause (xii) to be compiled, once a quarter, and shall submit them to the Government every quarter as well as every year for, inter-alia, being placed before the State Council of Senior Citizens constituted under rule 22.

6. Therefore, it is obligatory on the part of the respondents police to provide necessary protection for the livelihood of senior citizen. In the representation dated 27.09.2020, though it was prayed by the petitioner for recovering the property from the proposed accused, now considering the prayer sought for by the petitioner, it would be appropriate to direct the first respondent to consider the representation given by the petitioner dated 27.09.2020 in respect of the protection required by her.

7. Hence, in view of the above, this Court directs the first respondent to consider the petitioner's representation dated 27.09.2020 in respect of the protection required by her and pass appropriate orders within a period of one month from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police, Trichy City.
2. The Assistant Commissioner of Police,
Palakkarai, Trichy.
3. The Inspector of Police,
Palakkarai Police Station, Trichy.
4. Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) No. 9809 of 2020

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