



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24769 of 2021

Raju

...Petitioner

Versus

1. Superintendent of Police,
Tiruchengode - Namakkal - Trichy Road,
near Collectorate Office,
Tamil Nadu, Namakkal - 637 003.
2. Deputy Superintendent of Police,
Periyapatti,
Namakkal - 637 001.
3. Inspector of Police,
75, Trichy Main Road,
Kamaraj Nagar,
Namakkal - 637 001.

4. Nandini

5. Thangavel

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the respondents 1 to 3 to take action against the respondents 4-5 in view of the complaint dated 23.10.2021 given to the respondents 1-3 against the respondents 4 & 5, to direct the 3rd respondent to provide police protection to the petitioner and his wife.

For Petitioner : Mr. G. Mohana Krishnan

For Respondents: Mr. E. Raj Thilak, for R1 to R3
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed directing the respondents 1 to 3 to take action against the respondents 4 & 5, in view of the complaint dated 23.10.2021, given to the respondents 1-3 against the respondents 4 & 5, to direct the 3rd respondent to provide police protection to the petitioner and his wife.



2.The petitioner is the senior citizen aged about 72 years, had lodged the complaint against the fourth and fifth respondents, who is none other than the petitioner's daughters and the complaint was registered as C.S.R.No.195/2020 and thereafter, no action has been taken.

3.Further, the petitioner's two daughters are married and living separately with their family. Second daughter is in U.K. The petitioner and his wife living separately in their property. The first daughter/fourth respondent, on her own, even before any partition, had claimed that she has got 1/3rd share in the property, projecting that she had executed a sale deed with the fifth respondent and now, 4th and 5th respondents have trespassed into the petitioner's property and abusing the fear for life.

4.After the earlier complaint, CCTV Camera had been installed in the house to safeguard from the inclusion of 4th and 5th respondents. Though, the respondent-police, initially conducted enquiry, thereafter, left it as it is, which emboldened the fourth and fifth respondents on in action of the police to further cause harassment and threat. Now, they are contemplating to through away the petitioner from peaceful possession and enjoyment of the property which is the dwelling house where the petitioner in residing with his aged wife. Hence, filed this petition.

5.It is further submitted that the fifth respondent had filed civil suit in O.S.No.23/2021, before the District Court, Namakkal in which the petitioner had entered appearance and the civil suit is pending.

6.The learned Additional Public Prosecutor submits that the enquiry has been conducted on 16.09.2021, the petitioner and fourth respondent called for an enquiry and both agreed to approach civil Court, to seek appropriate orders.

7.This Court find that the petitioner is the senior citizen and he is attempted to be thrown out from his dwelling house. The petitioner is aged about 72 years, the senior citizen, he is also entitled for benefit and protection under Senior Citizens Act. The respondent-police is remained of the same and seek instituted the petitioner and his wife are residing in the property without any induction, force and threat by the fourth and fifth respondents or their men.

8. Considering the facts and circumstances of the case, this Court directs the fourth and fifth respondents to approach civil Court to get appropriate orders and further, it is the duty of the third respondent-police, to protect life and



property of the senior citizen and further directs the second respondent-Deputy Superintendent of Police, to ensure that the third respondent provides all necessary protection.

9. With the above direction, this criminal original petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Superintendent of Police,
Tiruchengode - Namakkal - Trichy Road,
near Collectorate Office,
Tamil Nadu, Namakkal - 637 003.
2. The Deputy Superintendent of Police,
Periyapatti,
Namakkal - 637 001.
3. The Inspector of Police,
75, Trichy Main Road,
Kamaraj Nagar,
Namakkal - 637 001.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Mohanakrishnan, Advocate, S.R.No.69449

CRL.O.P.No.24769 of 2021

RR(CO)
RGA(05/01/2022)