

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.44 OF 2018

Dhavlo Bab Velip and Ors. ... Petitioners

Versus

State
Through Canacona Police Station & Ors. Respondents

Mr. Dharmanand R. Vernekar, Advocate for the Petitioners.

Mr. P. Faldessai, Additional Public Prosecutor for Respondent Nos.1 and 2.

Mr. Pranay A. Kamat, Advocate for Respondent Nos.4,5 & 8.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 14 June 2018.

P.C.:

By this petition, the Petitioners have sought directions to the Deputy Collector-Sub Divisional Magistrate of Canacona to take action for maintaining peace and order. The Petitioners have sought directions that the learned Magistrate should invoke Section 145 of the Criminal Procedure Code.

2. The Petitioners and the Respondents are resident of village Avali, Khotigao, Canacona Goa. It appears that a festival is held every year in the month of March in the temple situated in the said village. It also appears that due to the disputes amongst the group to perform pujas and rituals in the temple, law and order situation arises. The claim of the Petitioners to invoke the provisions of Section 145 of the Criminal Procedure Code and that the Respondents are the cause of the disturbance in the village, is strongly refuted by the Respondents. The learned Additional Public Prosecutor pointed out that the Petitioners cause the trouble and the FIRs are also registered against them.

3. We are not going into the rival contentions as the facts before us are seriously disputed. The Magistrate is empowered to invoke Section 145 of the Criminal Procedure Code and other relevant provisions and there is no reason for us to come to a conclusion that he will not use his powers when the situation so demands. We, however, feel that during the festivities, the Authorities should take steps to maintain the peace and order.

4. We, therefore, direct the Authorities to put in place a mechanism to ensure that the peace and order is maintained at the

time of the festival in the village stated to be occurred every year in the month of March. The Authorities will also consider the provisions of the Criminal Procedure Code and such other statutory provisions. If the methodology is employed in advance, the situation at site can be controlled effectively.

5. With these directions, we dispose of the Criminal Writ Petition. We make it clear that we have not looked into the assertions of the Petitioners and the Respondents against each other, on merits.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.