

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18441 of 2018

P.Venkatesan

... Petitioner

Vs

1. State by
The Inspector of Police
Vellore Taluk Circle Police Station
Vellore District.

2. G.Shanmugam

3. R.Jaya Shankar

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure seeking a direction to the respondent herein to provide necessary police protection to the petitioner herein for celebrating the ADI Festival for the first day (27.07.2018) by preparing Pongal in the temple for the Amman and to take Flower Karagam in and around the Temple called "Maha Kaliyamman (Pidari) Koil" situated at Sathupalayam Village, Kaniyambadi Panchayat, Vellore District, pursuant to the petitioner's complaint dated 12.07.2018 in CSR.No.206 of 2018.

For Petitioner : Mr.S.Rakumar
For Respondents: Mr.C.Raghavan
Government Advocate (Crl.Side)
for R1

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O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent to provide necessary police protection to the petitioner for celebrating ADI Festival for the first day (27.07.2018) by preparing Pongal in the temple for the Amman and to take Flower Karagam in and around the Temple called "Maha Kaliyamman (Pidari) Koil" situated at Sathupalayam Village, Kaniyambadi Panchayat, Vellore District, pursuant to the petitioner's complaint dated 12.07.2018 in CSR.No.206 of 2018.

2. Today, Mr.M.Robert, HC 218, Vellore Taluk Police Station, Vellore, is present before this Court.

3. It is the case of the petitioner that he and his family members have a right to conduct the first three days of Adi festival of "Maha Kaliyamman (Pidari) Koil" situated at Sathupalayam Village, Kaniyambadi Panchayat, Vellore District, and that they are being prevented by one G.Shanmugam and R.Jaya Sankar from conducting the festival that is scheduled to begin on 27.07.2018. In this regard, the petitioner has given a complaint to the first respondent police, based on which, a petition enquiry is being conducted in CSR.No.206 of 2018. While so, the petitioner is before this Court seeking police protection.

4. Head the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent-State.

5. The learned counsel for the petitioner submitted that the petitioner and his forefathers were conducting annual Adi festival for over several decades and that is being prevented by the respondents 2 and 3.

6. In the opinion of this Court, in a petition filed under Section 482 Cr.P.C., no findings can be given on such civil rights. It is for the petitioner to work out his remedy before the Civil Court for establishing his right, if any, as against the respondents 2 and 3. Therefore, this Court cannot direct the first respondent police to give police protection exclusively to the petitioner in conducting the festival as that would amount to recognizing his right to conduct the festival, which cannot be done in a petition filed under Section 428 Cr.P.C. However, this Court directs the first respondent police to ensure that there is no law and order problem during the festival.

With the above observation, this petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mk

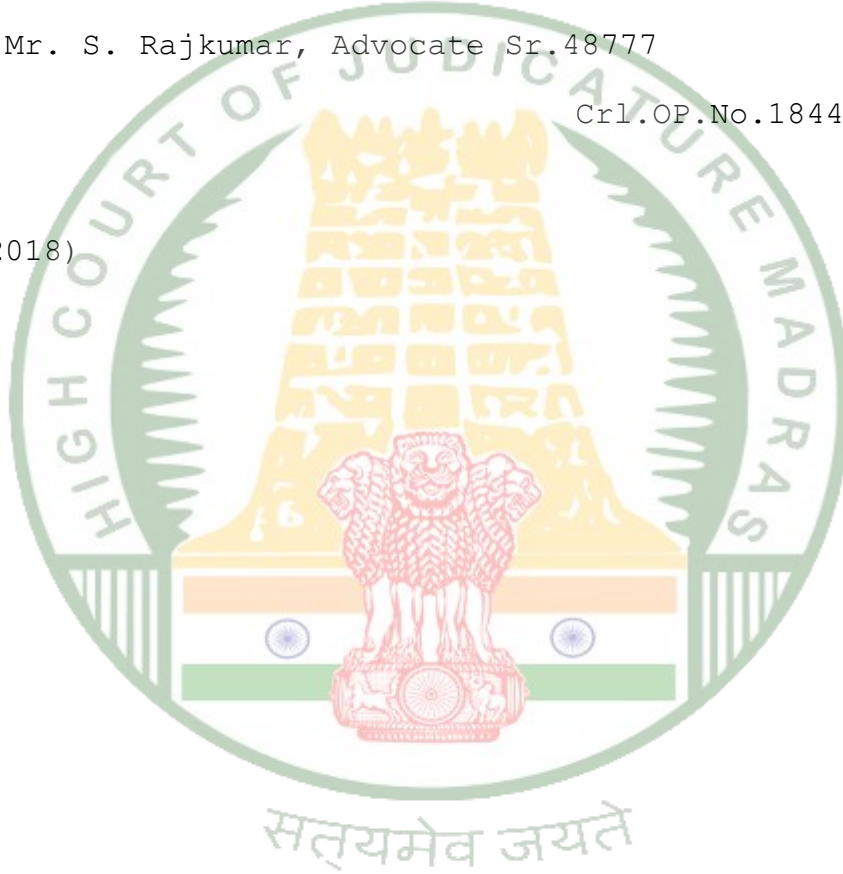
To

1. The Inspector of Police
Vellore Taluk Circle Police Station
Vellore District.
2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. S. Rajkumar, Advocate Sr.48777

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