

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.27260 of 2018

V.Anandhan

.. Petitioner

Vs

1. The Superintendent of Police,  
Namakkal District,  
Nallipalayam, Namakkal.

2. The Inspector of Police,  
Pudhuchathiram Police Station,  
Salem Main Road,  
Pudhuchathiram, Namakkal District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to consider and provide proper necessary police protection for the smooth conduct of the temple festival Arulmighu Nachiar alias Nachimar and Karuppannar temple situated at Kalyani Village, Puduchathiram Taluk, Namakkal District to be held on 06.12.2018 and on 7.12.2018 as per the petitioner representation made to them on 09.11.2018.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.M.Mohamed Riyaz  
Addl. Public Prosecutor

सत्यमेव जयते  
O R D E R

This petition has been filed seeking for a direction to the respondent police to give necessary police protection for conducting the temple festival to be held from 06.12.2018.

2. It is seen from records that there is a dispute with regard to the right over the temple and also for celebrating the festival and the suit is pending in O.S.No.180 of 2018. That apart, based on the complaint given by the other side, an FIR has also been registered on 09.06.2018 under Section 107 Cr.P.C. by the respondent police. In the mean time, the petitioner wants to conduct the festival in a peaceful manner and they fear disturbance on account of the pending proceedings and therefore,

the petitioner has approached this Court seeking for appropriate relief.

3. The learned counsel for the petitioner would submit that the festival is conducted for the family deity belonging to the petitioner. However, the persons belong on another community, are also claiming right to conduct the festival. Therefore the petitioner apprehends that there will be a law and order problem and therefore, the complaint has been given before the respondent police seeking for police protection.

4. Admittedly, there is a civil suit pending between the parties and respondent police have also registered an FIR under Section 107 Cr.P.C. Therefore, the relief is sought for by the petitioner cannot be granted by this Court.

5. This Criminal Original Petition is disposed of with the direction to the 2<sup>nd</sup> respondent to call the parties for an enquiry, on the representation made by the petitioner on 09.11.2018. The 2<sup>nd</sup> respondent shall see if the festival can be conducted without giving raise to any law and order problem. It is left open to the 2<sup>nd</sup> respondent to take appropriate decision by taking into consideration the facts and circumstances of the case. The respondent shall complete this exercise before 06.12.2018.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssr/kal  
To

1. The Superintendent of Police,  
Namakkal District,  
Nallipalayam, Namakkal.
2. The Inspector of Police,  
Pudhuchathiram Police Station,  
Salem Main Road,  
Pudhuchathiram, Namakkal District.

3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Balasubramanian, Advocate Sr.79821

Cr1.O.P.No.27260 of 2018

srg 28/11/2018



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