



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD)No.14299 of 2018

K.Anandan

: Petitioner

Vs.

1.The State of Tamilnadu rep. through its
The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

3.Visalakshi

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent Police 1 and 2 to grant adequate Police protection for "Life and Limb" for the petitioner and his family members during "Padaippu Festival" on 17.08.2018 inside the petitioner's family temple viz., Arulmighu Sri Priamandal Swamy at Periyakottai Village, Sivagangai District, on the basis of the petitioner's representation dated 12.07.2018.

For Petitioner

: Mr.P.M.Vishnuvarthanan

For R1 & R2

: Mrs.S.Bharathi

Government Advocate

ORDER

This Criminal Original Petition has been filed seeking for police protection to the petitioner and his family members during the temple festival scheduled on 17.08.2018 at the petitioner's family temple, namely, Arulmighu Sri Priamandal Swamy at Periyakottai Village, Sivagangai District.

2.The learned counsel appearing for the petitioner submitted that the said temple is a family temple and on a particular day in every year, the petitioner and his family members perform ceremony.

3.The third respondent / Visalakshi is the wife of one Sathaiya, who is the brother of the petitioner. There is a family dispute between the said Visalakshi and Sathaiya and both families are not in good terms. Even during the previous year also, there was a dispute in conducting the said festival. Only for this reason, the present Criminal Original Petition has been filed seeking for Police protection.



4.Per contra, the learned Government Advocate appearing for the respondents 1 and 2 submitted that on the basis of the complaint given by the petitioner, an enquiry was conducted by the second respondent on 29.07.2018. In the said enquiry, the third respondent had categorically stated that she along with her family members will come to the said temple and offer their prayers, however, she stated that they will not create any problem during the festival which is to be conducted by the petitioner. The second respondent, based on the undertaking given by both sides, had instructed both parties to maintain peace during their prayers without creating any law and order problem.

5.The learned counsel appearing for the petitioner submitted that the presence of the third respondent and her family members at the time of conducting festival, may lead to problem due to unnecessary quarrels. Therefore it was suggested by the learned counsel appearing for the petitioner that the third respondent and her family members can enter into the temple and offer their prayers for two hours in the morning between 09.00 a.m to 11.00 a.m on 17.08.2018 and after they leave the temple, the petitioner and his family will enter into the temple and conduct the said festival. By doing so, law and order problem can be avoided.

6.This Court is able to see force in the submissions made by the learned counsel appearing for the petitioner. Even during the enquiry conducted by the second respondent, the third respondent had only stated that she will come along with her daughter and mother to the temple and offer her prayers and thereafter, leave peacefully without creating any law and order problems. Therefore, the methods suggested by the learned counsel appearing for the petitioner will give an opportunity for the third respondent and her family to visit the temple and offer their prayers. After the third respondent and her family leave the temple, the petitioner and his family members shall enter into the temple and conduct festival without creating any problems. By resorting to this process, unnecessary problems can be avoided.

7.The second respondent is directed to ensure that the directions given herein above are strictly complied with and strict action may be taken if any attempt is made to create law and order problem.

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

Sd/-
Assistant Registrar (CS-III)

/True Copy/



1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.P.M.Vishnuvarthanan Advocate in Sr.No.78583.

GNS

DS/RSKS/SAR-4 :14.08.2018: 3P/5C

Cr1.O.P. (MD) No.14299 of 2018
13.08.2018