

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4337 of 2019

C.Moorthi,

.. Petitioner

Vs.

State represented by,
The Inspector of Police,
Malayampalayam Police Station,
Erode District-638 154.

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent authority to give police protection and permission to conduct cultural programme (Adalum Padalum) at Shri Magamuniappan Temple Festival, Chettikuttaivalasu, Erode District on 27.02.2019 by considering the petitioner's representation dated 29.01.2019.

For Petitioner: Mr.M.Manimaran

For Respondent: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

Seeking permission to give police protection and permission to conduct cultural programme on 27.02.2019, in the event of Shri Magamuniappan Temple Festival, Chettikuttaivalasu, Erode District, the petitioner made a representation dated 29.01.2019 to the respondent. As the same has not been considered, the present Criminal Original petition has been filed.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.The learned Additional Public Prosecutor, on instructions, would submit that there is likelihood of arising law and order problem.

4. A mere apprehension cannot be a ground to reject the representation. There is absolutely no material before this Court to hold that there will be a law and order problem in the event of permission being granted. In such view of the matter, the petitioner is permitted to conduct cultural programme in the event of Shri Magamuniappan Temple Festival, Chettikuttaivalasu, Erode District, however with the following conditions:-

(a) The cultural programme in connection with the event of Shri Magamuniappan Temple Festival, Chettikuttaivalasu Erode District, shall be conducted on 27.02.2019 between 06.00 p.m. and 10.00 p.m.

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played so as to spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is violation of any one of the conditions imposed, the concerned police officer is at liberty to take necessary action, as per law and stop such performance forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is played beyond the permitted time limit.

(i) The respondent is directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Criminal Original Petition stands allowed.

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Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Malayampalayam Police Station,
Erode District 638 154.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Manimaran, Advocate, SR.NO.14361

CRL OP No.4337 of 2019

kak(20/02/2019)



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