

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :25.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11173 of 2019

K.Ezhumalai

... Petitioner

Vs.

The Inspector of Police
Thimmampettai Police Station
Vellore District

... Respondent

Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, to consider the petitioner's representation dated 16.04.2019 and to give adequate police protection in order to conduct the cultural program which is scheduled to be held on 01.05.2019 at 7.00 a.m. To 10.30 p.m. in Sri Mariyamman Temple situated at Maariyan Vattam, Mallagunda Post, Vaniyambadi T.K., Vellore District-635852.

For Petitioner : Mr.D.Jagadeesan

For Respondent : Mr.C.Raghavan

Govt. Advocate (crl.side)

O R D E R

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to consider the petitioner's representation dated 16.04.2019 and to give adequate police protection in order to conduct the cultural program which is scheduled to be held on 01.05.2019 in Sri Mariyamman Temple situated at Maariyan Vattam, Mallagunda Post, Vaniyambadi T.K., Vellore District-635852.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3.The learned Government Advocate (Crl. Side), 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 Sri Mariyamman Temple situated at Maariyan Vattam, Mallagunda Post, Vaniyambadi T.K., Vellore District-635852 however with the following conditions:-

(a) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respondent Police and on receipt of the same, the respondent Police is directed to issue receipt and proceed further.

(b) The cultural programme in connection with the event of Sri Mariyamman Temple situated at Maariyan Vattam, Mallagunda Post, Vaniyambadi T.K., Vellore District-635852 shall be conducted on 01.05.2019 between 06.00 p.m. and 10.00 p.m.

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

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

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

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

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

(h) 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

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

(j) The respondents are directed to issue necessary permission, incorporating the above conditions.

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

Sd/--

Assistant Registrar(Co)

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Sub Assistant Registrar

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To.

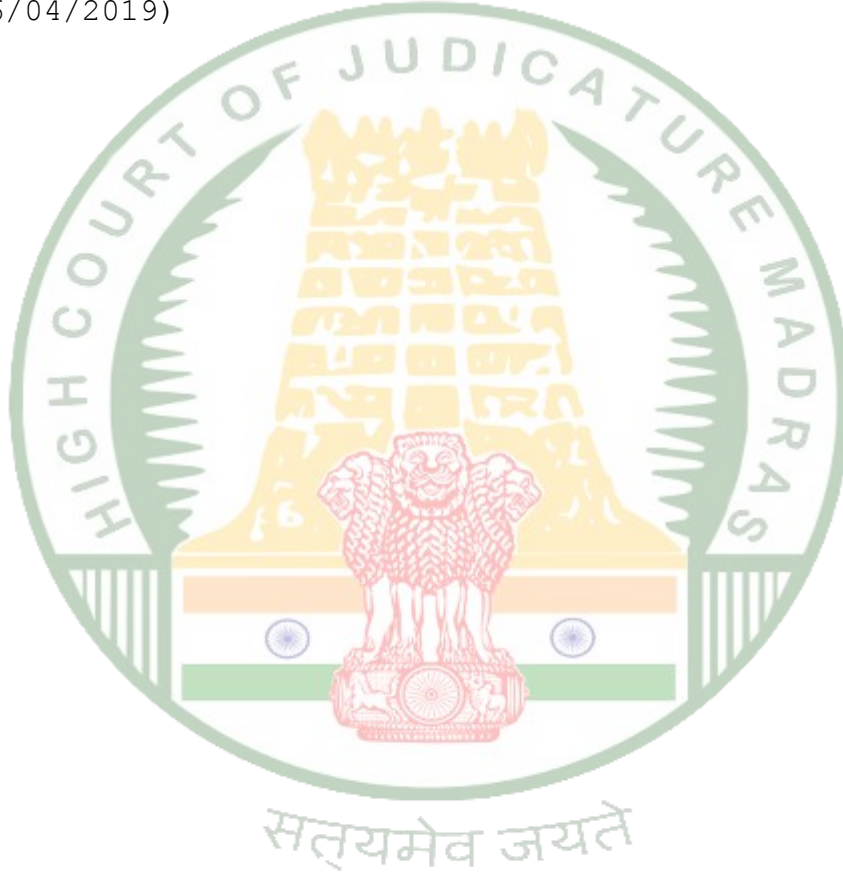
1.The Inspector of Police
Thimmampettai Police Station
Vellore District

2.The Public Prosecutor
High Court, Madras

+1cc to Mr. D.Jagadeesan, Advocate SR.No. 40740

Cr1.O.P.No.11173 of 2019

A.SK (26/04/2019)



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