

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.13834 of 2019

D.Nambiyar

... Petitioner

Vs.

The Inspector of Police,
Jolarpet Police Station,
Vellore District

.... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to consider the petitioner's representation dated 15.05.2019 and to give adequate police protection in order to conduct the cultural program which is scheduled to be held on 29.05.2019 between 7.00 p.m. to 10.00 p.m. in Sri Mariyamman Temple situated at Achamangalam Main Road, Achamangalam Village, Tirupattur T.K., Vellore District - 635 851.

For Petitioner : Mr.D.Jagadeesan

For Respondent : Ms.S.Thankira
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent to to give adequate police protection in order to conduct the cultural program which is scheduled to be held on 29.05.2019 between 7.00 p.m. to 10.00 p.m. in Sri Mariyamman Temple situated at Achamangalam Main Road, Achamangalam Village, Tirupattur T.K., Vellore District - 635 851.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. The learned counsel for the petitioner would submit that the petitioner is the Dharmakartha of Sri Mariyamman Temple at Achamangalam Main Road, Achamangalam Village, Tirupattur T.K., Vellore District - 635 851. The temple festival will be celebrated in a grand manner every year and during the festival, the villagers planned to conduct Cultural Programme on

29.05.2019. In this regard, the petitioner gave a representation to the respondent on 15.05.2019. Since no action has been taken, the present petition has been filed.

4. The learned Government Advocate (Criminal Side) appearing for the respondent, on instructions, would submit that the respondent have no serious objection. She further submitted that permission may be granted subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Criminal Original Petition is disposed of with the following directions:

The respondent/The Inspector of Police, Jolarpet Police Station, Vellore District is directed to consider the representation of the petitioner, dated 15.05.2019 and to give permission and to provide police protection for Cultural Programme done by Sri Mariyamam Temple at Achamangalam Main Road, Achamangalam Village, Tirupattur T.K., Vellore District - 635 851, scheduled to be held on 29.05.2019, subject to the following conditions;

(a) Cultural Programme (Adal Padal Nigalchi) done by Sri Mariyamam Temple at Achamangalam Main Road, Achamangalam Village, Tirupattur T.K., Vellore District - 635 851 scheduled to be held on 29.05.2019, should be completed before 10.00 p.m., if the programme is not conducted on the said date, the petitioner is at liberty to conduct the programme on future date.

(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 as they will 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 conducted beyond the permitted time limit.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

6. It is open to the respondent/Inspector of Police to impose any further restrictions or conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community, political party or organization.

7. In the result, this Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(V/O)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Jolarpet Police Station,
Vellore District

2. The Public Prosecutor,
High Court of Madras.

सत्यमेव जयते

Cr1.O.P.No.13834 of 2019

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srg 03/06/2019

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