

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2019

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.15148 of 2019

G.Gurusamy

.. Petitioner

Vs.

1. The Superintendent of Police,
Namakkal, Namakkal District-637001.

2. The Inspector of Police,
Karattupalayam Police Station,
Tiruchengode Taluk,
Namakkal District-637 215.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant permission to perform the programme of "Adal Padal" on 29.06.2019 at about 06.00 to 11.00 p.m. at "Sri Rama Perumal Temple Kumbabishekam festival is situated at Kollapalayam Village, Kuchipalayam, Thokkavadi Post, Tiruchengode Taluk, Namakkal District and to provide adequate police protection based on the petitioner's representation dated 04.05.2019.

For Petitioner : Mr.S.Mayilnathan

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

O R D E R

Seeking permission to conduct cultural programme of "Adal Padal" at "Sri Rama Perumal Temple Kumbabishekam festival is situated at Kollapalayam Village, Kuchipalayam, Thokkavadi Post, Tiruchengode Taluk, Namakkal District on 29.06.2019, the petitioner made a representation dated 04.05.2019 to the second respondent Police. 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 respondents.

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 at "Sri Rama Perumal Temple Kumbabishekam festival is situated at Kollapalayam Village, Kuchipalayam, Thokkavadi Post, Tiruchengode Taluk, Namakkal District, on 29.06.2019, 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 cultural programme (Pattu Kacheri) at "Sri Rama Perumal Temple Kumbabishekam festival is situated at Kollapalayam Village, Kuchipalayam, Thokkavadi Post, Tiruchengode Taluk, Namakkal District, shall be conducted on 29.06.2019 between 06.00 p.m. and 11.00 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 2nd 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 IX)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Namakkal, Namakkal District-637001.

2. The Inspector of Police,
Karattupalayam Police Station,
Tiruchengode Taluk,
Namakkal District-637 215.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Mayilnathan, Advocate, SR.No.47887

Cr1.O.P.No.15148 of 2019

Kak(13/06/2019)

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