



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. [MD] No.4254 of 2019

WEB COPY

Kannimariyal

: Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.

3. Sivakumar

4. Ponsekar

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to give police protection to the petitioner and husband children for their life and limb.

For Petitioner : Mr.R.Maheswaran

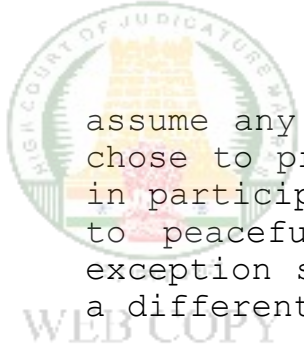
For R-1 & R-2 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

The petitioner complains of threat to life, limb, liberty and right to property and breaks her religious faith by the respondents 3 and 4 and seeks police protection.

2. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the petitioner has preferred a complaint and it is pending in C.S.R.No.93 of 2019. He also added that the petitioner has converted her house into prayer hall and the Police is also receiving complaints that she holds prayer aloud creating nuisance.

3. While the petitioner may face a threat perception to her life, her right to profess religious and also right to property, yet she also faces a complaint that the manner of her prayer is causing nuisance to the public. While Article 25 of the Constitution of India grants to every citizen right to profess and propagate their religion, but it is subjected to public order by the same provision of the Constitution. This, the petitioner and those who are similarly placed may not forget. To pray or not to pray is one's prerogative but the manner in which prayers are conducted on a daily basis should not become a hazard for the neighbours nor it can



assume any nuisance. It is therefore necessary when the petitioner chose to pray it shall be so done only for those who are interested in participating in it and others must be left alone and their right to peaceful existing cannot be interfered with. There can be exception such as when there is a festival etc., it can be stand at a different footing.

5. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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