



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Crl.R.C. (MD)No.145 of 2017
and
Crl.M.P (MD)No.1436 of 2017

1.Paster M.Jones Nayagam

2.Beula : Petitioners/Petitioners

Vs.

1.The Revenue Divisional Officer,
Nagercoil,
Kanyakumar District.

2.The Inspector of Police,
Rajakamangalam Police Station,
Kanyakumari District.

: Respondents/Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to set aside the order passed by the first respondent in M.C.No.187 of 2016 dated 27.01.2017.

For Petitioner : Mr.K.Sreekumaran Nair

For Respondents : Ms.Anantha Devi
Government Advocate [Criminal Side]

O R D E R

The present Criminal Revision Petition has been filed against the order passed by the first respondent directing the petitioners to execute a bond under the provision of Cr.P.C, failing which, further action would be initiated under Section 122(1)(a) of Cr.P.C.

2.The first respondent issued the order directing the petitioners to execute the personal bond on the basis of the complaint filed by the police stating that the petitioners are conducting prayer meeting in the house, which is creating law and order problem in the neighbourhood and also causing disturbance to the public peace and tranquility.



3. According to the first respondent, it is observed that the mass prayer meeting is being conducted by the petitioners in the house premises without getting prior permission from the authority. In view of the loud speaker being displayed and causing noise pollution in the neighbourhood, the same is creating public nuisance and also resulting in law and order problem in the neighbourhood. In the said circumstances, the authority passed an order on 27.01.2017 under Section 117 of Cr.P.C. As against the order passed by the first respondent, the present criminal revision petition has been filed.

4. Learned counsel for the petitioners would submit that no separate permission is required for conducting prayer in the house. According to the learned counsel, there was absolutely no disturbance to the villagers and neighbours and unfortunately, at the instance of vested interest, the first respondent has passed the order. According to him, the first respondent has no authority to take the personal bond from the petitioners for the good conduct, since the petitioners herein are a peaceful institution and have no intention to disturb the public peace and tranquility.

5. Per contra, the learned Government Advocate (criminal side) appearing for the respondents would submit that the petitioners are not conducting a private prayer meeting in their house and on the other hand, they are conducting prayer in which scores of people participate in the prayer meeting and the prayers are being transmitted by loud speaker disturbing the peace of the neighbourhood. According to the respondents, in this case, the place of worship requires special permission from the Panchayat and without obtaining any permission from the authorities concerned, the prayer meetings are being conducted day and night which is causing law and order problem for the second respondent police. Therefore, the first respondent has rightly intervened in the matter and directed the petitioners to execute personal bond and also security and the order passed by the first respondent has not suffered from any infirmity.

6. In fact, a detailed counter affidavit has been filed on behalf of the first respondent. In paragraph 6, it is stated as follows:-

"6. I humbly submit that all the averments stated in the petition are hereby denied as false except that those are admitted hereunder the Inspector of Police, Rajakkamangalam on getting large number of complaints from the inhabitants of Anandhanadar kudi in Nagercoil, that the petitioners herein are causing nuisance by converting their house as a church in the name of worship, they are causing noise by way of singing songs using musical



instrument without obtaining permission from the District Collector and thus with a view to prevent law and order issue affecting public peace and tranquility it was considered expedient to initiate criminal proceedings against the petitioners to prevent them from acting in any manner prejudicial to the maintenance of law and order. Hence, the Rajakamangalam police has filed First Information Report in Crime No.310/2016 under Section 107 Cr.P.C and submitted the same before the learned Sub Divisional Magistrate, Nagercoil Division, Kanyakumari District."

7. Therefore, the learned Government Advocate (crl. side) would submit that the order passed by the first respondent cannot be found fault with.

8. Considering the submission of the learned counsel for the petitioner as well as the learned Government Advocate (crl. side), it is clear that in the guise of conducting prayer meeting in the house, the petitioners are conducting public prayer which is broadcast through loud speaker creating law and order issue to the second respondent police. In case of public worship, it is imperative that the petitioners to obtain proper permission and approval from the authority concerned. It appears that the petitioners are conducting prayer, in which, scores of people participate unlawfully. Such unlawful conduct of prayer would endanger the public peace and tranquility and in turn, cause grave law and order problem to the police as well as the revenue officials.

9. In the above said circumstances, the petitioners were asked to execute a bond as security by the first respondent vide impugned order and this Court does not find any infirmity in the order passed by the first respondent. In fact, the petitioners themselves in the revision petition have filed W.P(MD)No.2152 of 2014 seeking a direction to the District Collector to grant sanction to the prayer hall and the District Collector returned the application submitted by the petitioners and directed them to present the same through Village Panchayat. The Panchayat forwarded the application for sanction to the District Collector and the same is pending. When such is the situation, without obtaining sanction from the District Collector, it is not open to the petitioners to conduct mass prayer resulting in disturbance of peace and tranquility to the neighbourhood.

10. For the above said reasons, this Court feels that the criminal revision petition is not maintainable and the same is devoid of merits. Hence, the criminal revision petition is dismissed. In view of the dismissal of the criminal revision



2017 is vacated and the stay petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

Sub Assistant Registrar(CS)

Skn

To

1.The Revenue Divisional Officer,
Nagercoil, Kanyakumar District.

2.The Inspector of Police,
Rajakamangalam Police Station,
Kanyakumari District.

Copy to:

The Government Advocate [Criminal Side]
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. SREEKUMARAN NAIR, Advocate (SR-85286[F] dated
05/09/2019)

ORDER MADE IN
Crl.R.C.(MD)No.145 of 2017
and
Crl.M.P(MD)No.1436 of 2017
Dated: 05.09.2019

JMN(04.10.2019) 4P : 5C