



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 13.01.2020
CORAM
THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM
CRL.O.P.No.739 of 2020

WEB COPY

S.K.Sivam

... Petitioner

Vs.

State Rep. by

- 1.The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent police to give permission and police protection to conduct an Music Orchestra at Kanum Pongal Festival on 17.01.2020 at Arulmigu Sri Mariyamman Sri Muthalamman Kanum Pongal Festival at Sothukanni Village, Polur Taluk, Thiruvannamalai District in a grand and peaceful manner on the basis of the petitioner's representation dated 08.01.2020.

For Petitioner : Ms.R.Madhuvarshini

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

O R D E R

This petition has been filed to direct the third respondent police to give permission and police protection to conduct an Music Orchestra at Kanum Pongal Festival on 17.01.2020 at Arulmigu Sri Mariyamman Sri Muthalamman Kanum Pongal Festival at Sothukanni Village, Polur Taluk, Thiruvannamalai District in a grand and peaceful manner on the basis of the petitioner's representation dated 08.01.2020.



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 Music Orchestra in the event of "Arulmigu Sri Mariyamman Sri Muthalamman Kanum Pongal Festival at Sothukanni Village, Polur Taluk, Thiruvannamalai District" , however with the following conditions:-

(a) The Music Orchestra in connection with the event of "Arulmigu Sri Mariyamman Sri Muthalamman Kanum Pongal Festival at Sothukanni Village, Polur Taluk, Thiruvannamalai District", on 17.01.2020 from 06.00 p.m. to 11.00 p.m.

(b) The petitioner shall pay a cost of Rs.10,000/- (Rupees Ten Thousand only) to the third respondent police towards police protection.

(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 third respondent is directed to issue necessary permission, incorporating the above conditions.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

1. The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
2. The Deputy Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
3. The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
Madras High Court,
Chennai.

+1 cc to M/s.R.MADHUVARSHINI ADVOCATE SR3004/2020

CRL.O.P.No.739 of 2020

aa13/01/2020