

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.3649 of 2020

A.Elumalai

...Petitioner

-Vs-

State Rep by
The Sub Inspector of Police,
Pagandai Kootu Salai Police Station,
Vanapuram,
Sankarapuram Taluk,
Kallakuruchi District.

... Respondent

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to give permission and police protection to conduct an Music Orchestra at Sri Veerapathrakaliamman Sri Varakiamman Allayam Mayana Kollai festival on 22.02.2020 and 23.02.2020 at Vanapuram Village, Ariyalore Post, Sankarapuram Taluk, Kallakuruchi District in a grand and peaceful manner on the basis of the petitioner's representation dated 13.02.2020.

For Petitioner : Mr.D.Harikrishnan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police to give permission and police protection to conduct an Music Orchestra at Sri Veerapathrakaliamman Sri Varakiamman Allayam Mayana Kollai festival on 22.02.2020 and 23.02.2020 at Vanapuram Village, Ariyalore Post, Sankarapuram Taluk, Kallakuruchi District on the basis of the petitioner's representation dated 13.02.2020.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

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 "Sri Veerapathrakaliamman Sri Varakiamman Allayam Mayana Kollai festival" situated at Vanapuram Village, Ariyalore Post, Sankarapuram Taluk, Kallakuruchi District on 22.02.2020 and 23.02.2020, however with the following conditions:-

(a) The aforesaid music programme shall be conducted on 22.02.2020 and 23.02.2020 from 07.00 p.m. to 11.00 p.m only.

(b) The petitioner shall pay a cost of Rs.10,000/- (Rupees Ten Thousand only) per day to the 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 respondent is directed to issue necessary permission, incorporating the above conditions.

5. With the above directions, this Criminal Original Petition disposed of.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Sub Inspector of Police,
Pagandai Kootu Salai Police Station,
Vanapuram,
Sankarapuram Taluk,
Kallakuruchi District.

2. The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.D.Harikrishnan, Advocate sr 14488

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NR(CO)
SP(20/02/2020)



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