

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5227 of 2020

K.Suresh

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem District, Salem.

2.The Deputy Superintendent of Police,
Omalur, Salem District.

3.The Inspector of Police,
Omalur Police Station, Salem District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to grant permission and provide police protection to the petitioner's village to conduct the cultural programme (Gramiya Kalai Nigazhchi) on the eve of temple festival of the Sri Arulmigu Mariyamman Temple situate at Pachinampatti Village, Omalur Taluk, Salem District which is scheduled to be conducted on 08.03.2020 based on the representation of the petitioner dated 29.02.2020.

For Petitioner : Mr.R.Parthiban

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

Seeking permission to conduct cultural programme in the event of festival of Sri Arulmigu Mariyamman Temple situate at Pachinampatti Village, Omalur Taluk, Salem District, the petitioner made a representation dated 29.02.2020 to the respondents. 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, this petition is allowed and the petitioner is permitted to conduct cultural programme in the event of festival of Sri Arulmigu Mariyamman Temple situate at Pachinampatti Village, Omalur Taluk, Salem District, however with the following conditions:-

(a) The cultural programme in connection with the event of festival Sri Arulmigu Mariyamman Temple situate at Pachinampatti Village, Omalur Taluk, Salem District shall be conducted on 08.03.2020 between 06.00 p.m. and 11.00 p.m.

(b) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respondents Police and on receipt of the same, the respondents Police is directed to issue receipt and proceed further.

(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 respondents are directed to issue necessary permission, incorporating the above conditions.

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

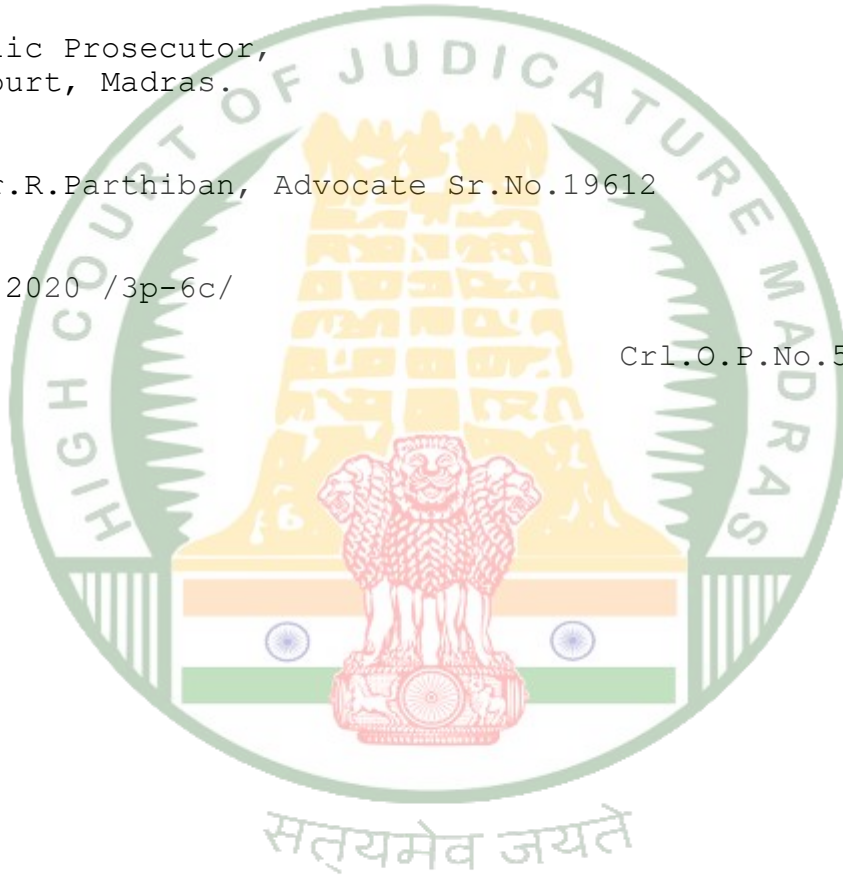
To

- 1.The Superintendent of Police,
Salem District, Salem.
- 2.The Deputy Superintendent of Police,
Omalur, Salem District.
- 3.The Inspector of Police,
Omalur Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Parthiban, Advocate Sr.No.19612

AKM/06.03.2020 /3p-6c/

CrI.O.P.No.5227 of 2020



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