

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:10.03.2020
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5472 of 2020

P.Kuppusamy

.. Petitioner

/versus/

State by

The Inspector of Police,
Dharapuram Police Station,
Dharapuram,
Tiruppur District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to grant police protection and permission to the petitioner to conduct cultural programme on the evening of 13.03.2020 between 6 p.m. to 11 p.m as part of Arulmighu Sri Kaliyamman Temple festival at Thidal near to Sri Kaliyamman Temple in Dharapuram of Tiruppur District by considering petitioner's representation dated 27.02.2020.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

Seeking permission to conduct cultural programme in the event of Arulmighu Sri Kaliyamman Temple festival at Thidal near to Sri Kaliyamman Temple in Dharapuram of Tiruppur District, the petitioner made a representation dated 27.02.2020 to the respondent. 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 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, this petition is allowed and the petitioner is permitted to

conduct cultural programme in the event of Arulmighu Sri Kalamman Temple festival at Thidal near to Sri Kalamman Temple in Dharapuram of Tiruppur District, however with the following conditions:-

(a) The cultural programme in connection with the event of Arulmighu Sri Kalamman Temple festival at Thidal near to Sri Kalamman Temple in Dharapuram of Tiruppur District, shall be conducted on 13.03.2020 at 06.00 p.m., to 11.00 p.m.

(b) The petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) as charges, to the respondent Police and on receipt of the same, the respondent Police are 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 respondent is directed to issue necessary permission, incorporating the above conditions.

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

Sd/-

सत्यमेव जयते
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Dharapuram Police Station,
Dharapuram, Tiruppur District.

2.The Public Prosecutor, High Court, Madras.
+lcc to Mr.N.Ponraj , Advocate SR.No. 20996

Cr1.O.P.No.5472 of 2020

A.SK(11/03/2020)