



Crl.O.P.No. 6164 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6164 of 2024 and
Crl.M.P.No.4502 of 2024

Sivaraman Deekshidhar

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District.

2.Saranya

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for records entire records FIR No.219 of 2023 dated 26.06.2023 on the file of Chidambaram Town Police Station, Cuddalore District, Tamil Nadu and to quash the same.

For Petitioners : Mr.R.John Sathyan,
Senior Counsel for
Mr.G.Chandrasekaran



CrI.O.P.No. 6164 of 2024

WEB COPY

For R1

: Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No. 219 of 2023 on the file of the first respondent registered for the offences under Sections 147, 341 of the Indian Penal Code (IPC), Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of the prosecution is that on the basis of the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No. 219 of 2023 for the offences under Sections 147, 341 of the Indian Penal Code (IPC), Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It was alleged that when the second respondent visited the

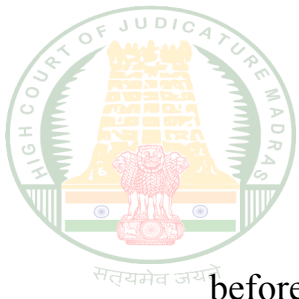


CrI.O.P.No. 6164 of 2024

WEB COPY

Natarajar temple on 24.06.2023 in her capacity as an official on special duty, she noticed a board erected by the common Deekshidars, which stated that entry into the Kanagasabai (sacred stage) for worshipping the deity was prohibited. This, according to the second respondent, was in violation of Government Order G.O.Ms.No.115 dated 17.05.2022 and subsequent directions issued by the Commissioner of the Hindu Religious and Charitable Endowment (hereinafter referred to as “HR&CE”) Department, which allowed the general public entry into the Kanagasabai (sacred stage) for worship. In light of the complaints from several worshipers, the second respondent, with the assistance of the police, attempted to remove the said board. It is alleged that the accused persons, in response, used filthy language, threatened her with dire consequences and prevented her from discharging her official duties. Consequently, the second respondent lodged the complaint, leading to the registration of the FIR.

3. The learned Senior Counsel appearing for the petitioner would submit that the G.O.Ms.No.115 dated 17.05.2022 is under challenge

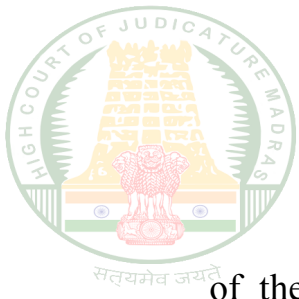


CrI.O.P.No. 6164 of 2024

WEB COPY

before this Court in W.P.No.36022 of 2023. It is further contended that the interference by the Government in the religious affairs of the denominational sector of the common Deekshidars is protected under Article 26 of the Constitution of India. It is argued that the HR&CE Department's actions, as reflected in the Government Order, are contrary to the judgment of the Hon'ble Supreme Court dated 06.01.2014. The learned counsel further submits that the only allegation against the petitioner is that he prevented the second respondent from removing the board.

4. It is stated that a large number of devotees visit the temple during the first year of the festival, and as such, entry into the Kanagasabai (sacred stage) was restricted during these four days. The eighth day of the festival, prior to the ninth and tenth days, is significant, as the Natarajar Moorthy is taken out for the car festival and Maha Abishekam at the 1000 Pillar Mandapam. Elaborate religious activities, including the yatra of Natarajar Moorthy, take place on the eighth and eleventh days of the festival, which requires the installation and removal



CrI.O.P.No. 6164 of 2024

WEB COPY

of the deity in the Kanagasabai. It is further argued that the second respondent is the Executive Officer of the Thillaiamman Koil and does not have any official duty at the Sri Sabanayagar Temple, which is the subject matter of the dispute.

5. Heard both sides and perused the materials placed on record.

6. On perusal of records, this Court is of the view that the only allegation against the petitioner, as per the complaint, is that he prevented the second respondent from removing the board erected by the them. It is not disputed that despite the Government Order G.O.Ms.No.115 dated 17.05.2022, the accused continued to display the board, thereby contravening the order. That apart, it is alleged that the accused used abusive language and hindered the second respondent in discharging her official duties. The petitioner has raised a challenge against the Government Order and it is presently pending before the Hon'ble Division Bench of this Court in W.P.No.36022 of 2023. However, it is significant to note that no interim order has been passed



CrI.O.P.No. 6164 of 2024

WEB COPY

staying the operation of the Government Order. Therefore, the said Government Order is still in force. The act of erecting the board, which prevents the public from entering the Kanagasabai (sacred stage) in violation of the Government Order, cannot be overlooked. Further, the allegations made in the complaint are sufficient to constitute offences under Sections 147 and 341 of the IPC, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Sections 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

7. In view of the above, it cannot be said that the FIR does not disclose any cognizable offence. The matter is at the stage of investigation and it is not appropriate at this stage to interfere with the ongoing proceedings. Therefore, this Court is not inclined to quash the FIR in Crime No. 219 of 2023. The first respondent is hereby directed to complete the investigation in Crime No. 219 of 2023 and file the final report within a period of twelve weeks from the date of receipt of a copy of this order.



CrI.O.P.No. 6164 of 2024

WEB COPY

8. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petition is closed.

12.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

1. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No. 6164 of 2024

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.6164 of 2024 and
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